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Children and Young People's Experiences Of, and Views On, Issues Relating to the Implementation of the United Nations Convention on the Rights of the Child

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Children and young people's
experiences of, and views
on, issues relating to the
implementation of the United
Nations Convention on the
Rights of the Child

Health and Community Care



social
research

CHILDREN AND YOUNG PEOPLE'S EXPERIENCES OF, AND VIEWS ON, ISSUES RELATING TO THE IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Susan Elsley, Susan Elsley Consulting

E. Kay M. Tisdall and Emma Davidson, Centre for Research on Families and
Relationships

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1 EXECUTIVE SUMMARY

Background

- 1.1 This review contributes to the Scottish Government's work to inform the UK's next report on the implementation of the United Nations Convention on the Rights of the Child (UNCRC). Its purpose was to explore children and young people's experiences and views in order to input to the Scottish Government's contribution to the UK State Party's periodic review, due to be submitted in January 2014.
- 1.2 It will also contribute to increased understanding of how Scottish Government policy impacts on the realisation of children's rights, from the point of view of children and young people themselves. It is intended that the research will help the Scottish Government identify areas for further participatory work with children and young people.
- 1.3 The specific objectives of the review were to collect, collate, analyse, review, summarise and present evidence on the views and experiences of children and young people in Scotland. The scope of the project was to consider research, consultations, reports and other relevant data undertaken by government, Scotland's Commissioner for Children & Young People, Non-Governmental Organisations (NGOs), academics and the public sector on children and young people's views and experiences in Scotland.
- 1.4 The review includes evidence gathered since 2008 when the UK State Party's last report was considered by the United Nations Committee on the Rights of the Child. To be included in the review, engagement with children and young people needed to have taken place between January 2008 and April 2013.

Gaps in evidence

- 1.5 Overall, the review identified a wealth of evidence undertaken by a wide range of organisations covering extensive areas of children and young people's lives. This demonstrates a significant commitment to engaging with children and young people. A number of gaps in evidence were identified that would benefit from further exploration. The review analysed 273 pieces of evidence.
- 1.6 The review is structured by the seven UNCRC reporting clusters. These clusters are: general measures of implementation; general principles; civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and culture and special protection measures. Findings are explored in each cluster section and summarised in chapter 10. Key gaps in evidence are highlighted below by UNCRC cluster.
- 1.7 In the UNCRC general principles cluster, there was a lack of substantial and detailed information on: the experiences of black and minority ethnic children and young people and the impact of racial discrimination (see section 4.13); gender discrimination (see section 4.10); up-to-date experiences of age discrimination and whether attitudes towards children and young people have changed since 2008 (see section 4.5).

- 1.8 In civil rights and freedoms (see section 5.14), the review produced limited evidence. This would benefit from further exploration. Online privacy was an emerging issue and may benefit from further research. There was limited evidence on children and young people's views relating to physical punishment.
- 1.9 In family environment and alternative care, a number of gaps existed in relation to child trafficking (see section 6.32) and household substance misuse (see section 6.33). Further knowledge on the role of parents in children and young people's lives would aid understanding of the parenting role and how alternative forms of care can be improved (see section 6.37).
- 1.10 In basic health and welfare (see section 7), there was a lack of evidence on how children and young people are experiencing recent policy measures aimed at tackling health inequalities. Evidence gaps also existed around children and young people's personal experiences of poverty and homelessness (see section 7.58-7.63), as well as more comprehensive evaluations of sexual health education (see section 7.48).
- 1.11 In education, leisure and culture, further research would be beneficial into how young people, particularly those transitioning from school into employment or further education, are coping with the current economic situation. In addition there was little known about young people's experience of youth work provision (see section 8.43).
- 1.12 In special protection measures (see section 9), little evidence was accessed on children and young people's experiences of special protection measures, particularly in youth justice. This included specific areas: detention, children and young people's experiences of diversionary and pro-social projects; follow-up to the Children's Hearing process; youth courts; legal aid and advice and assistance; child witnesses; the age of criminal responsibility; remand and under 18s; criminal proceedings and sentencing.
- 1.13 Evidence was limited for several specific groups of children and young people. Across all clusters, there was less evidence that drew on the views and experience of younger children. This included children under the age of 5 years as well as those up to the age of 9 years. In areas such as alternative care, there was less evidence on the views of younger children: for example, those under 9 years of age.
- 1.14 A number of pieces of evidence did highlight the views and experiences of black and minority ethnic children and young people. Overall, however, these children and young people were underrepresented in the evidence in all the UNCRC cluster areas. Research was limited on children and young people's experiences of migration to Scotland.
- 1.15 The importance of transitions between services and institutions such as school, care and prison was shown by the evidence, highlighting the interconnections between UNCRC reporting clusters. Further exploration on the views and experiences of children and young people on transitions would provide further insights.

- 1.16 There was a substantial body of evidence on participation especially around Children's Hearings, looked after children and schools. There was, however, less evidence in other areas such as children and young people's views on family court proceedings or early years. More evidence in these areas would provide further insights.
- 1.17 The evidence has shown that children and young people's experiences depend on the quality of the relationship they have with professionals. This is an area that would benefit from in-depth exploration.

Recommendations for moving forward

- 1.18 The following recommendations consider ways in which the findings from the review can be taken forward. In addition to identifying gaps in evidence, several overarching issues emerged from the process of gathering the views and experiences of children and young people in Scotland.

Exploring gaps in evidence

- 1.19 The Scottish Government should consider areas for further participatory work with children and young people from the gaps in evidence across the UNCRC clusters.
- 1.20 Organisations and services working with children and young people should also consider if there are gaps that could be explored through their research, consultation and participatory activities
- 1.21 The low level of knowledge and understanding of the UNCRC among children and young people suggests that national promotion of publications and activities related to the UNCRC could be delivered more effectively. This could, in turn, have wider benefits including increased participation by children and young people in contributing their views.

Developing the evidence base

- 1.22 Large-scale quantitative surveys like 'Being Young in Scotland 2009' were valuable sources for this review. Continued investment in such surveys should be considered as one approach to gathering children and young people's views. For example, the longitudinal social survey 'Growing up in Scotland' is now engaging children directly and could be maximised as a source of robust quantitative information.
- 1.23 There is likely to be small-scale research undertaken in further and higher education on the cluster areas. Academic contacts were used for the search for evidence but it seems likely that not all evidence was accessed. Strategically gathering research findings on a regular basis would contribute to the body of evidence.
- 1.24 Research, consultation and participatory activities currently being undertaken by local authorities are under-represented in this review. There may be evidence that was not submitted due to time constraints or information

requests not reaching the relevant practitioner. There is therefore an opportunity for local authorities and individual practitioners to contribute their knowledge and have this work recognised and shared more widely.

Gathering evidence

- 1.25 The review found that some activities that involve children and young people were not always being systematically documented, recorded or reported so that they could be easily shared or disseminated. In some instances, this meant that evidence could not be included. This suggests that organisations could develop their approaches to documenting the views of children and young people so that the findings are accessible to a wider audience.
- 1.26 In some of the evidence, there was little detail about: the context for the research, consultation or participatory activities; information on the sample; or detailed analysis of data. Across much of the evidence there was little discussion of ethics (how children and young people are involved in respectful ways, how their consent was sought and how they are protected from harm). Including more methodological and ethical information within reports would help others to better understand and consider the findings. In addition, organisations would gain further recognition for their work.
- 1.27 Generally, improvements could be made in the collection and presentation of evidence so that it can better inform national and local policy and practice. Developing a stronger regularly reported evidence base would contribute to the Scottish Government's delivery of national outcomes and the implementation of the UNCRC.
- 1.28 The review found that there were different understandings of rights based approaches to services. In its ongoing work, the Scottish Government should consider how to work with both national and local organisations to demystify the rights based approach. Organisations should be supported to explore how children's rights span their entire service and are embedded in all aspects of children and young people's lives.

Conclusion

- 1.29 The review provides a rich snapshot of children and young people's views gathered by organisations between 2008 and 2013. As a resource, the review assists understanding of how policy impacts on the realisation of children's rights, from the viewpoints of children and young people themselves. At the same time, the review can provide a baseline for future research, consultation and participation activities.

2 BACKGROUND AND RESEARCH AIMS

Background

- 2.1 This review contributes to the Scottish Government's work to inform the UK's next report on the implementation of the United Nations Convention on the Rights of the Child (UNCRC). Its purpose was to explore the experiences and views of children and young people in Scotland in order to input to the Scottish Government's contribution to the UK State Party's periodic review, due to be submitted in January 2014. It will also contribute to increased understanding of how Scottish Government policy impacts on the realisation of children's rights, from the point of view of children and young people themselves. It is intended that the research will help the Scottish Government identify areas for further participatory work with children and young people.

Review objectives

- 2.2 The specific objectives of the review were to collect, collate, analyse, review, summarise and present evidence on the views and experiences of children and young people in Scotland. The scope of the project was to consider research, consultations, reports and other relevant data undertaken by government, Scotland's Commissioner for Children & Young People (SCCYP), Non-Governmental Organisations (NGOs), academics and the public sector on children and young people's views and experiences in Scotland.

Methodology for review

- 2.3 A call for evidence was issued to a list of leading organisations, networks and email lists by the review team, the Scottish Government and through other networks. This ensured that the request reached the wide range of different organisations, services and research bodies that would have evidence on the views and experiences of children and young people in Scotland.
- 2.4 The review team sought evidence from research, consultation, evaluations and evidence from other participatory activities that reflected the views and experiences of children and young people. The evidence could cover any area of children and young people's lives in Scotland, their rights, well-being or services. The evidence had to relate to children and young people in Scotland, be in the public domain and provide information that would be of value to the review.
- 2.5 As the review was part of the Scottish Government's work to inform the UK's next report on the implementation of the UNCRC, the focus was on evidence gathered since 2008 when the UK State Party's last report was considered by the United Nations Committee on the Rights of the Child. To be included in the review, engagement with children and young people needed to have taken place between January 2008 and April 2013.
- 2.6 Evidence was gathered between March and April 2013 for the review and then identified by topic and applicability to a UNCRC cluster (seven broad

reporting clusters used within the UNCRC). The call for evidence generated over 326 pieces of evidence, of which 273 were analysed. These included reports, consultation responses, journal articles, evaluations and other forms of evidence such as short videos. While additional searches were made by the review team, the volume of responses and the tight timeframe meant that more evidence may be available which has not been analysed.

- 2.7 Certain evidence was not analysed or included in the review, as it: did not meet the criteria of being based on children and young people's views and experiences; was undertaken prior to 2008; gave insufficient information on their methods and ethics; and/ or was difficult to summarise for this review because of the nature of the evidence.
- 2.8 Some material did not state who was involved, how they were selected, methods and how the material was analysed robustly and systematically. Ethics were rarely addressed in reported documents (e.g. ensuring that due consideration was given to respectful involvement of children and young people, seeking to protect them from harm and enhancing their wellbeing).
- 2.9 In the analysis the review team took into account: how the evidence was gathered and its aims and objectives; the size and scope of the study; and how the data were analysed. A template was used to address these in order to ensure that evidence was analysed in a consistent and systematic way.
- 2.10 Evidence has been drawn from a wide range of organisations and therefore reflects different styles and approaches. It includes quantitative and qualitative data as well as outcomes from participatory activities that were not research or consultation based. Some of the studies drew on the views of relatively small sample sizes of children and young people, while others were Scottish wide large-scale studies. Taking these different approaches into account in gathering children and young people's views and experiences, the size and scope of the evidence has been noted.
- 2.11 Every attempt has been made to gather evidence from as wide a range of organisations as possible within a short timescale. However, the review team recognises that there may be other evidence which has not come to its attention. For example, small-scale but quality research is likely being undertaken in further and higher education, on these issues. Academic contacts were used for the search for evidence but it seems likely that not all evidence was accessed. In addition, there is also a range of participatory activities where there is not written evidence or work is still ongoing.
- 2.12 Attention has been given to ensuring, where possible, that the evidence takes account of different age groups, disability, ethnicity, geographical diversity, socio economic factors, sexual orientation and other areas that impact on children and young people's inclusion.
- 2.13 The review identifies where there are gaps in the evidence. In some instances, significant work was undertaken in these areas in the previous reporting period (prior to 2008) for the UN Committee on the Rights of the Child. In addition, some of the evidence noted in this review was undertaken

at the beginning of the relevant period e.g. from January 2008 onwards. This may mean that the social and policy context of the work has changed in the intervening period

Notes on the review

- 2.14 A child is defined in the UNCRC as being under the age of 18 and it is this age range which is the focus of the study. There are, however, some examples where specific studies have included older young people – for example, care leavers or young parents. Where studies include this extended age range it is noted in the text.
- 2.15 The term ‘children and young people’ is generally employed throughout the review. However, where specific pieces of evidence are being discussed the terminology used by the authors is employed.
- 2.16 The review assumes knowledge of the policy context. Further details of policy can be accessed online through, for example, the Scottish Government, Scotland’s Commissioner for Children & Young People and national voluntary organisations such as Children in Scotland and Together (Scottish Alliance for Children’s Rights).

Structure of the review

- 2.17 Where possible, the methodology undertaken for each piece of evidence is briefly described before summarising key findings from that study or consultation. Readers are encouraged to visit the source documents for more detail.
- 2.18 The review has been organised according to the seven broad reporting clusters used within the UNCRC. These are: general measures of implementation; general principles; civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and culture; and special protection measures. (See Appendix A for UNCRC rights associated with each cluster.) Using these clusters enable comparison with earlier reports on UNCRC implementation in Scotland. A significant proportion of the evidence was not confined to one UNCRC cluster. Generally, evidence has been allocated to a UNCRC cluster based on its main focus and references made to interconnecting themes.
- 2.19 Readers can access supporting materials on the UNCRC through:
 - Scotland’s Commissioner for Children & Young People
<http://www.sccyp.org.uk/>
 - Together (Scottish Alliance for Children’s Rights)
<http://www.togetherscotland.org.uk/>
 - UNICEF <http://www.unicef.org/crc/>

3 GENERAL MEASURES OF IMPLEMENTATION

Introduction

- 3.1 Children and young people exhibited a significant lack of knowledge about the UNCRC. An understanding of the relevance of the UNCRC appeared lowest amongst those with the highest needs and greatest use of services. The evidence shows that children and young people can articulate concerns and issues that affect how they exercise their rights.

National human rights institutions

- 3.2 Evidence from large-scale consultations and smaller qualitative enquiries indicate low levels of recognition of Scotland's Commissioner for Children and Young People (SCCYP) and the Commissioner's role.
- 3.3 The 'Being Young in Scotland 2009' Survey¹ asked 11 to 16 year olds how much they knew about the Children's Commissioner. Almost half (47%) said they had 'never heard of it'. Similar findings are reflected in 'a RIGHT blether' (2010)², SCCYP's national consultation. Just under a quarter (24%) of the 74,059 children and young people participating in the vote had heard of the Commissioner.
- 3.4 Young Scot and the Scottish Youth Parliament (SYP) consulted with 58 young people from different needs groups. Across the seven 'dialogue groups', participants had very limited awareness of SCCYP³. A report by SYP⁴ concluded that the young people were unsure about who was ultimately responsible for ensuring that their rights were upheld and how they would challenge violations.
- 3.5 An external evaluation of 'a RIGHT blether' (2011)⁵ concluded that it had improved children and young people's understanding and awareness of the work of the Commissioner. Updated surveys with children and young people such as the 'Being Young in Scotland 2009' survey will determine whether this and other campaigns have been successful.

Measures taken to harmonise national law and policy with the provisions of the UNCRC

- 3.6 Overall, children and young people expressed high levels of support for measures to harmonise national law and policy with the provisions of the UNCRC, with full incorporation being seen as the best way to ensure children's rights were upheld.
- 3.7 The Children's Parliament (2011)⁶ organised workshops with 36 children from three parts of Scotland on the proposals for the Rights of Children and Young People (Scotland) Bill. All the participants agreed that the UNCRC should be something that everyone knows about in Scotland and 86% agreed with the statement 'Should the UNCRC be like a law that people have to obey?'.

- 3.8 Young Scot (2011)⁷ conducted an on-line inquiry and three workshops with different needs groups. Fifty eight per cent of young people felt that the UNCRC should be given more force in Scots law. It was considered that 'due regard' for the UNCRC would not go far enough in promoting and protecting children's rights, with many arguing that the UNCRC should be fully incorporated. Workshops undertaken by the Children's Parliament (2012)⁸ with 107 children aged 9 to 12 also found support for incorporating the UNCRC into law. Children argued that this would ensure adults paid attention to it.
- 3.9 The consultation undertaken for SYP's Youth Manifesto⁹ also demonstrated support for action. Eighty five per cent of young people supported the statement 'young people are entitled to as much protection of their human rights as the law can give them'. Consultation on the Children and Young People Bill by Young Scot and SYP (2012)¹⁰ involved a national survey with 1,445 respondents. Over 60% agreed that the Scottish Government should be required by law to make sure that children and young people are aware of the rights given to them by the UNCRC.

Training on children's rights and the UNCRC

- 3.10 There was no specific evidence on children and young people's views on professional training. However, as can be seen throughout this review, children and young people reported the need for services to treat them with greater respect, fairness, justice and equality. Children involved in consultation by the Children's Parliament concluded that every professional working with children should know and understand children's rights¹¹.
- 3.11 The evaluation of 'a RIGHT blether'¹² highlighted the positive impacts resulting from the national consultation such as: schools signing up to UNICEF's Rights Respecting Schools Award; the use of the VOTE results to support future 'rights' activity; and the integration of materials and resources on the UNCRC and children's rights into organisations' own activities.

Awareness of the UNCRC among children and young people

- 3.12 The evidence indicates that awareness of the UNCRC amongst children and young people in Scotland could be significantly improved. Only 44% of the children and young people voting in 'a RIGHT blether' had heard about their rights and the UNCRC¹³.
- 3.13 Fifty three per cent of respondents to the Young Scot and SYP national survey (2012)¹⁴ expressed a low level of awareness of the UNCRC, with 39% stating 'I've never heard of it until now'. Almost all the participants in the dialogue groups had not heard of the UNCRC, with some expressing uncertainty over what basic rights young people might have.
- 3.14 The 'Being Young in Scotland 2009' survey¹⁵ found that a third (32%) had never heard of the UNCRC. Under half (48%) of 11 to 16 year olds thought the UNCRC was for children from 'all countries in the world'.

- 3.15 Most of those participating in workshops by the Children's Parliament (2011)¹⁶ recognised the term 'children's rights'. However, many were uncertain about what this meant in their day-to-day lives. This was confirmed in a larger consultation with 107 children aged 9 to 12 the following year¹⁷. Children had some awareness of human rights and the UNCRC, although this was often in relation to the basic needs of children in other countries. When rights were discussed this frequently involved either an attempt to repeat an article of the UNCRC from memory or rights were understood only in relation to responsibilities¹⁸. An appreciation of children's rights was lowest amongst those children and young people with the greatest need for services¹⁹.
- 3.16 Across these consultations, children and young people felt strongly that they needed to learn more about the UNCRC and how it affects their lives.

Measures to make the UNCRC widely known

- 3.17 While children and young people may not be aware of their rights as formally expressed in the UNCRC, consultation work undertaken since 2008 demonstrates that they are able to articulate rights based issues and concerns affecting them. These projects have contributed to making the UNCRC more widely known to children, young people and adults. Much of this work has focused on education within schools, indicating potential to extend measures to make the UNCRC widely known into other settings (i.e. youth clubs, homes, health and social care services, youth justice system).
- 3.18 The SYP Youth Manifesto 'Change the Picture' draws on 42,804 responses from young people aged 14 to 25 across Scotland²⁰. It covers a range of children's rights issues: for example, equalities, learning and working, crime and communities, Scotland and the world, and rights and citizenship.
- 3.19 SCCYP's national consultation, 'a RIGHT blether', involved a national vote with 74,059 responses²¹. The key issues emerging included: the need to be safe and secure at home; to be treated fairly in places of learning; to be safe and respected in local communities; and to feel included in Scotland regardless of difference. SCCYP have produced a range of materials and resources (including a rights resource pack) to be used by professionals and for display in public spaces²². The Commissioner has also made numerous visits to children and young people's services across Scotland to promote the UNCRC and 'a RIGHT blether'. An external evaluation of 'a RIGHT blether' (2011)²³ concluded that the project had improved young people's understanding and awareness of the work of the Commissioner and of children's rights under the UNCRC. Specifically, it was felt to have had an impact on awareness of how children and young people can exercise their rights day-to-day and engage in decision-making processes.
- 3.20 The Children's Parliament Gathering in 2009²⁴ brought together children, young people and adults to discuss children's rights. Fifty children and young people used creative approaches to engage with adults whose opinions influenced education in Scotland. The Gathering was part of the Children's Parliament's 'big conversations' approach to overcoming the 'democratic deficit' of children having no say in the decisions that affect them.

- 3.21 There are also examples of strategies supporting rights education locally. The Children's Parliament 'Do the Right Thing' project in the Scottish Borders and Angus aimed to raise awareness and create opportunities for dialogue about the meaning of children's human rights between children, parents and professionals²⁵. Children, overall, were positive about the project and enjoyed the opportunity to learn about their rights. Professionals commented that they would bring their learning into their everyday practice. Attempts to involve parents in workshops proved more difficult.
- 3.22 The 'Festival of Rights' brought pupils from eight local authority areas together with the aim of developing a collaborative approach to rights education (West Dunbartonshire Council, 2012)²⁶. The programme promoted the UNCRC and educated participants on how they could promote their own rights and others. A DVD is being produced that will be made available through Glow (the online community for schools, supported by Education Scotland).
- 3.23 Children's services are also working with specific needs groups to make the UNCRC widely known. In 2012 Article 12 supported a group of young people from the Young Gypsy Travellers' Lives (YGTL) project to participate in a British Institute of Human Rights and Rights of the Child UK event²⁷. This allowed the group to understand more about rights relevant to them and their wider community. It was also an opportunity for capacity building within the group and peer educating other young people about the human rights violations that the Gypsy/Traveller community face.
- 3.24 A further rights focused project was a partnership between Glasgow Association for Mental Health (GAMH) Young Carer's Project and Article12 in Scotland's PEST (Peer Education Skills Training)²⁸. Most of the young carers had never heard of the UNCRC. They identified the rights important to them and created additional ones such as 'The Right to be Spoiled'. The young carers emphasised that government could take a more active role in making the public aware of the lives of young carers and improving the support they receive at school²⁹.

Implementation and monitoring of the UNCRC

- 3.25 There was no evidence relating to children and young people's involvement in the implementation and monitoring of the UNCRC. Children and young people had mixed feelings over how public bodies were monitoring and reporting on children's services, when consulted for the forthcoming Children & Young People Bill. A majority of respondents (64%) to Young Scot and SYP's national survey³⁰ answered 'yes' to the statement 'Do you think that public bodies in a local area should be required by law to work together to ensure that children and young people's wellbeing is improved?'. Despite this only just over half agreed that 'public bodies should be required to put together and publish reports on how they're making sure that they're taking into account children and young people's wellbeing when delivering services'. Almost one in five (17%) had a more pessimistic response, arguing that such reporting would make no difference.

Measures to make reports widely available to public

- 3.26 During the 2007-08 reporting process, the Scottish Government made all related publications widely available, including dedicated versions for children and young people. There is no evidence how these documents have been received by children and young people. The low level of knowledge and understanding of the UNCRC suggests that national promotion of publications and activities related to the UNCRC could be delivered more effectively.

Remedies of infringements of rights

- 3.27 There was support for proposals to extend SCCYP's powers to allow investigations of children's rights violations on behalf of individual children and young people.
- 3.28 Sixty two per cent of respondents to the Young Scot and SYP national survey (2012)³¹ responded 'yes' to the question 'do you think the Commissioner should be able to carry out an investigation on behalf of individual children and young people who contact him if their rights aren't being respected?'. This view was echoed by looked after children, consulted by Who Cares? Scotland, who felt that such investigations may help remedy complaints and issues directly impacting upon their care³².
- 3.29 The SYP (2012)³³ has, however, emphasised the importance of accompanying these new powers with a meaningful form of redress. Young people, for example, felt that complaints should result in suitable action being taken and that support during the process should be available. Furthermore, information on complaints procedures should be communicated in an accessible way.

Cooperation with civil society

- 3.30 The review identified little information about the views of children and young people on the relationship between the Scottish Government and the voluntary sector. The importance of involving voluntary organisations in working together to improve young people's wellbeing was emphasised in dialogue groups conducted by Young Scot³⁴, with participants highlighting those projects that supported them.

Summary

- 3.31 The review found low levels of awareness and knowledge of both human rights institutions and the UNCRC. Large-scale initiatives have sought to improve levels of awareness. While the full impact of these is yet to be understood, they demonstrate the importance of rights based practices. Measures to make the UNCRC more widely known have focused on the educational sector and rather less on how well the UNCRC is embedded into the working practices of other children's services. Although 'child friendly' reporting is taking place, it is unknown how these reports are received. Overall, children and young people have little direct involvement in the implementation and monitoring of the UNCRC.

4 GENERAL PRINCIPLES

Introduction

- 4.1 Children and young people reported instances of discrimination in spite of actions to mainstream equality. Factors such as disability, gender and race created further hurdles to inclusion, beyond age.
- 4.2 The evidence suggests that further action could be taken to ensure children and young people's voices are supported and heard, although there have been improvements to proceedings such as the Children's Hearing System. Advocacy was seen by children and young people to be a means of helping them speak out. Mixed experiences of participation were reported more generally, particularly at a community level where there were inconsistencies in engaging children and young people

Non-discrimination

- 4.3 Children and young people expressed concern about equality. In SCCYP's consultation with 74,059 children and young people, 'a RIGHT blether'¹, 43% voted for 'help us have the same chances, no matter how much money our families have' and 37% voted for 'help everyone to include each other, no matter how different we all are'. These were the leading statements in their respective categories. The SYP Manifesto² has several statements addressing equalities, from not tolerating sectarianism, to legally equalising homosexual with heterosexual relationships, to improving and disability access.
- 4.4 Other sections within this report cover issues of discrimination and inequalities for children and young people affected by HIV (**section 6.56**) looked after children and young people (**chapter 5**), young carers (**section 5.2-5.6**) and young parents (**section 6.7**).

Age and image

- 4.5 Children and young people stated that they were discriminated against because of their age. Almost two-thirds (60%) of 11 to 16 year olds responding in the 'Being Young in Scotland 2009' survey³ believed they were often or sometimes treated unfairly because of their age. Over three-quarters (77%) of 17 to 25 year olds believed this too. In the consultation for the SYP Manifesto, the same percentage supported the statement, 'The Press Complaints Commission should recognise ageism as a form of discrimination'⁴.
- 4.6 Other factors can lead to being treated unfairly. Half of 11 to 16 year olds in 'Being Young in Scotland 2009'⁵ thought they were often or sometimes treated unfairly because of their appearance (but only 33% of 17 to 25 year olds thought this). Most felt they had never been treated unfairly due to their gender (60% of 11 to 16 year olds, 64% of 17 to 25 year olds), the amount of money their families had (76% of 11 to 16 year olds, 71% of 17 to 25 year olds) and their religion (89% of 11 to 16 year olds, 84% of 17 to 25 year olds).

- 4.7 Young people also expressed concerns about how they were perceived. Workshops were held with nearly 200 secondary school pupils in East Lothian. Concern was expressed about young people's poor image in the community. Young people did not always behave well but the participating young people thought their poor image was unjustified⁶. The LGBT National Youth Council Manifesto⁷ stated that young people were consistently viewed in negative ways in society (**see also section 8.9**).
- 4.8 Young Scot's pro-social behaviour project worked with five local authorities to challenge the myths that young people are involved in antisocial behaviour⁸. No reports on the project are available; however, they were youth-led, tackling the issues important to the young people involved. On a national level, Young Scot has stated that the project has made a major impact, with the Changing Perceptions (a short animated film on YouTube) receiving over 10,000 views, as well as support from celebrities such as Stephen Fry.

Disability

- 4.9 Disabled children and young people described barriers to their inclusion. Children and young people had mixed experiences about having their views considered (**see section 7.52**). They wanted to be treated as individuals, rather than adults focusing on their age or disabilities (from interviews and focus groups held for the National Review of Services for Disabled Children and Young People⁹). Public transport was not always accessible either physically or due to transport staff's attitudes, they had unmet needs for personal support, and they did not always feel safe to go out in their local areas¹⁰. Disabled children, and more broadly children with additional support needs, felt they needed more information and support for leaving school (**see section 7.54**).

Gender

- 4.10 Children held different expectations of gender roles in terms of behaviour and future jobs. For example, 95 boys and girls, aged 9 to 11 years from 4 primary schools, were involved in 'What's Gender Got to do With it' in West Dunbartonshire¹¹. Children expected boys to be dominant and aggressive in their play, while girls were expected to have gentle play, affection and mothering. The children strongly defended the view that men and women should be able to occupy their preferred job, while seeing some jobs as carried out predominantly by men and others by women.
- 4.11 Research on health issues show disparities between girls and boys, over issues such as body image, physical activity and drinking alcohol (**see chapter 6**).
- 4.12 Inspection reports on prisons raise concerns about suitable provision for young women (**see section 8.17**).

Migrant children and young people

- 4.13 A study¹² of the experiences of Eastern European migrant children in Scotland with 57 children and young people between the ages of 7 and 16 years found that their experiences of migration were varied. Most adapted well when they moved to Scotland and this was particularly the case if children and young people were younger. Many identified that they kept elements of their culture but also took on new Scottish ones such as a Scottish accent. Their experiences were, on the whole, positive and they felt included with the quality of services key to integration. However, migrant Roma children were more likely to experience discrimination.

Race and ethnicity

- 4.14 Young Scot's Access All Areas project was a three year initiative which sought to empower young people from ethnic minority, asylum seeker and faith communities¹³. Working across 16 local authority areas, it sought to involve young people in democratic processes and promote 'informed participation'. The study found a number of barriers for the young people, including safety in local communities and unequal access to health services, education and employment

Sexual orientation

- 4.15 Lesbian, gay, bisexual and transgender (LGBT) young people found that a range of discriminatory practices and attitudes negatively impacted on them, yet had inadequate knowledge of protection by hate crime legislation. They report being bullied due to their identities and poorly supported in schools, leading to negative impacts for their educational careers and future employment (**see sections 7.27 and 7.34**). Concerns about bullying and using public transport were even stronger for transgender young people. The LGBT National Youth Council 2010 Manifesto advocated for marriage equality across Scotland¹⁴.

Young Gypsy Travellers

- 4.16 Young Gypsy Travellers identified that they experience high levels of discrimination. Article 12 in Scotland is the lead organisation undertaking work in this area and has developed a work programme led by young Gypsy Travellers. In an analysis of media coverage, it was highlighted that media coverage of Gypsy Travellers gave rise to discrimination and stigma and fed inaccurate perceptions about their culture¹⁵. Workshops run by young Gypsy Travellers in a school setting with 168 school students focused on awareness raising and conflict resolution¹⁶. Evaluation after the workshops found that 84% of participants showed a demonstrable change in attitudes.
- 4.17 Article 12 in Scotland analysed survey responses from participants at the Gypsy/Travellers' Lives conference in 2009 and from a range of other surveys¹⁷ over a period of a year. The surveys' analyses indicated that raising awareness in schools, better provision for health care, education and

addressing areas such as access to sites for Travellers were necessary. Discrimination and being stigmatised were ongoing challenges.

Access to information

- 4.18 Children and young people found it difficult to access information they needed. Only two-fifths (41%) of 11 to 16 year olds responding to the 'Being Young in Scotland 2009' survey¹⁸ could 'always' easily find information they needed (but 62% of 17 to 25 year olds could). Most young people reported they had access to the Internet at home for personal use: 95% of 11 to 16 year olds and 86% of 17 to 25 year olds. Mobile phone access to the Internet had grown rapidly, to 44% for 11 to 16 year olds and 37% for 17 to 25 year olds.
- 4.19 Schools, residential and foster placements are places that adults block social networking sites. In workshops run by Young Scot¹⁹ with 35 young people aged 11 to 19 such blocks within schools were criticised, especially those that excluded sites with educational value like YouTube. This was also raised by young people in foster and residential care, where access to social networking was similarly blocked. Other barriers were identified, especially for those in foster and residential care. These included costs, limited usage times and difficulties gaining contracts in their own right. Language inaccessibility was a challenge for those who had English as a second language.
- 4.20 Young people found it difficult to access information on post-school opportunities. This applied specifically to disabled young people. Certain groups of young people also highlighted difficulties in accessing health services: i.e. young parents and LGBT young people (**see sections 6.7 and 6.8**).

Respect for children and young people's views

Advocacy

- 4.21 The Scottish Government consulted with children and young people on draft principles and minimum standards of advocacy²⁰. Responses were received from 112 children and young people aged from 6 to 25 years with 88 individual responses and 24 from groups. The analysis of individual responses found that two-thirds had had support to speak out from adults including social workers, family members and advocates. Children and young people wanted supportive adults to listen, help and be kind.
- 4.22 Research was undertaken by young people to explore views on the Who Cares? advocacy service²¹. While small scale, the study found that young people were positive about the support they received.
- 4.23 A review of advocacy support for Scottish Borders Children and Young People's Planning Partnership involved research with 29 children and young people²². Most young people did not have support from an independent advocate but from a range of people including professionals such as teachers, youth workers, social workers, friends and family. Those that were older

emphasised that it was beneficial to share experiences and support each other and that young people needed to have opportunities to develop their confidence so that they could speak out for themselves. Young people emphasised that positive, respectful relationships were essential to helping them speak out. It was important to speak to people they trusted, who listened and respected confidentiality.

- 4.24 Although there are limited studies on children and young people's views on advocacy support, a significant proportion of the evidence emphasises the importance of having trusted adults help children and young people speak out whether these were independent advocates, other professionals or family and friends.

Children's Hearings System

- 4.25 A range of research and consultation has drawn on the views of children and young people in the Children's Hearing System. Much of this has focused on the experience of attending Hearings, with a significant focus on how children and young people voices are supported and heard.
- 4.26 SCRA explored the experience of attending Hearings in a national survey involving 630 individuals. This included 232 (37%) of whom were children and young people aged 5 to 17 years, along with in depth interviews with 13 children and young people²³. Overall, children and young people, along with their parents, were supportive of the Children's Hearing System and its key principles. They had a level of understanding about what happened in Children's Hearings, especially when they were older. Many were provided with support in advance of Hearings. The research found that there was a need for greater continuity of Panel members between Hearings, improved communication and support for younger children, a reduction in the volume of information and for Hearings to be less 'court-like'. Children, young people and adults highlighted that there was a need for greater awareness of everyone's rights, particularly children's rights.
- 4.27 Other research undertaken by SCRA involved 21 young people involved in the Children's Hearing System aged between 11 and 17 years. It was felt that the process was fair, even though they might not always agree with the decisions made²⁴. There were, however, barriers to children and young people's participation and more attention should be paid to how decisions were explained. Most felt that their lives had got better and that the Hearings could provide the impetus for change. The majority stated that it was their own commitment to change that had the biggest impact.
- 4.28 In research conducted by Who Cares? Scotland for SCRA²⁵, over 100 young people between the ages of 9 and 17 years across Scotland participated in an online survey. It looked at what worked well and what was challenging when attending a Hearing. The majority of young people did not understand what the advance paperwork meant. Most understood why young people attended Hearings and 69% said that they were able to participate in the Hearings. While both positive and negative examples of decision making were given, it was felt that the environment could be more welcoming and positive towards

young people. Young people expressed a desire to speak to Panel members on their own and felt the use of advocates should be promoted.

- 4.29 Young people employed as Modern Apprentices at SCRA have undertaken research on children and young people's views in the Children's Hearing System. One study analysed findings from existing research and consultation (this included evidence already highlighted in this review)²⁶. The analysis identified that trust, being listened to, respectful relationships and attitudes to children were important for children and young people. Children and young people expressed concern about how information and decisions were communicated and the language that was used. Further research considered the physical environment at the Children's Hearings²⁷. In line with other research, the way children were greeted and the facilities could be more welcoming.
- 4.30 The Children's Parliament facilitated a consultation for the Scottish Government with 29 children who had experience of Children's Hearings²⁸. Children talked about the way information was communicated before, during and after the Hearings and said that they often did not understand what was happening or the decisions that were made. The physical environment of a Hearing needed to be comfortable and welcoming. Children stated that there were too many adults at Hearings and they often did not know who they were. They wanted adults to listen to them and only be there if they were able to do things for the child. Going to a Hearing was generally seen as a difficult experience that could be intimidating and confusing. Overall, children wanted Hearings to focus on their best interests, listen to them, provide information and ensure that they were treated with respect.
- 4.31 A review was undertaken of the Legal Representation Grant Scheme²⁹, which allowed free legal representation in Children's Hearings for children and young people in certain situations. Fieldwork was undertaken in 2008 with 23 young people aged 13 and 17, recruited from four secure units across Scotland. The young people thought such representatives should argue for what the young person wants, even if that was not in the young person's best interests. Some young people did not know why their legal representative was present. While some young people preferred having the legal representative speak for them in hearings, others also spoke for themselves. The main reason young people were dissatisfied with their legal representative was that they had 'just sat there' and not represented their views adequately.
- 4.32 A number of common messages emerged. These focus on the need to improve information and preparation, issues relating to the adults involved in the Children's Hearings System, how decisions are made and communicated and whether children and young people are able to participate fully and give their views. At the same time, children and young people did identify positive experiences with examples of good practice and support from adults.

Child contact disputes in court

- 4.33 Research³⁰ on contact disputes in court concerning children mainly focused on analysing evidence from children in court papers and questionnaires and

interviews with law practitioners and parents. Interviews were undertaken with a small sample of two children. A significant number of children whose views were analysed from the court paper sample did not want contact with their non-resident parent. Where there was no fear of threat or harm, children generally wished to have contact with the non-resident parent.

Participation

- 4.34 Children and young people frequently asked for improved participation in individual decisions about their own lives and in decisions that affected them as a group. For example, four out of five young people responding to the SYP's Manifesto Consultation agreed with the statement, 'All young people should be involved in the services that affect them and should have opportunity to get involved in local decision making opportunities'³¹.
- 4.35 Young people felt listened to most by their parents and least by politicians. Of the 11 to 16 year olds responding to the 'Being Young in Scotland 2009' survey³², 90% thought that parents took account of their views a 'great deal' or a 'fair amount'. A majority also thought teachers did (68%) and friends (87%). Only 24% of young people thought politicians did.
- 4.36 There was mixed evidence on the opportunities young disabled people had to express their views. In a qualitative study for the National Review of Services for Disabled Children and Young People³³, the majority of the 65 young people involved in interviews and focus groups reported having enough opportunities to express their views. They did not always agree with the decisions made but generally understood why they had been made. Of the 91 children and young people answering the questionnaire in 'I want to be treated the same as my brothers'³⁴, two out of five children thought their views were always listened to in school; a further half thought their views were sometimes listened to³⁵. The results were lower for health professionals, where one in five children felt always listened to, and two out of five felt sometimes listened to³⁶.
- 4.37 Two further studies drew similar conclusions. Four workshops with 76 children and young people aged 5 to 18 informed SCCYP's participation and principles for practice³⁷ and a group of 8 young experts from Voice against Violence worked alongside national decision-makers to influence policy and practice on domestic abuse³⁸. Children and young people reported positive and negative experiences of participation, at individual and group levels. Positive experiences were more likely when: there is a culture of honesty and respect; everyone understands why it is important for children and young people to participate; extra support is provided; children and young people can take part in ways that suit them and are optional; and children and young people are supported. Negative experiences included: adults assuming they know what is best for children and young people; inaccessible language used by adults; 'tokenism', when views are gathered but there is little evident influence on decision-makers; lack of feedback to children and young people. Children and young people valued the chance to speak directly to decision-makers.

- 4.38 This mix of positive and negative experiences of participation is illustrated by Community Planning. The SYP undertook a small-scale survey with 42 Members of the Scottish Youth Parliament (MSYPs) and other young people who reported genuine commitment in some areas to involve young people, while in other areas involvement was “tokenistic, indirect, sporadic or non-existent”³⁹. Similar to the young disabled people cited in **section 3.31**, the survey results also emphasised that young people should be widely involved in issues that interest them – and not just ‘youth’ issues.
- 4.39 Young Scot’s Access All Areas project⁴⁰ concluded that increasing opportunities, access and participation for young people from minority communities were essential to tackle inequality and discrimination. Young people wanted to be better supported to be active citizens. They wanted more of a say in how youth activities were being developed locally and nationally and how they could be more inclusive and meet their needs.
- 4.40 The SYP’s Manifesto asks for the minimum age for voting in all elections and referendums should be lowered to the age of 16⁴¹. Over two-thirds (65%) of the 42,804 responses supported this statement, although one-quarter (25%) disagreed.

Summary

- 4.41 Issues of equality, discrimination, access and participation affect all aspects of children and young people’s lives. There was a lack of substantial and detailed information on: the experiences of black and minority ethnic children and young people and the impact of racial discrimination; gender discrimination; and up-to-date experiences of age discrimination and whether attitudes have changed since 2008. The survey of LGBT young people provides evidence of discrimination, across a number of sectors. Transgender young people disproportionately reported discrimination.
- 4.42 There was a significant body of work on the Children’s Hearing System with clear messages on how the process could be improved. There was less evidence that explored children and young people’s views and experiences post-Hearing.
- 4.43 Children and young people frequently felt that they did not have enough opportunities to express their views and influence decisions affecting their lives. Positive experiences of participation were heavily dependent upon the attitudes that professionals had towards children and young people and the quality of relationships that were established. Trust, rapport, honesty and respect were all essential in influencing children and young people experiences.

5 CIVIL RIGHTS AND FREEDOMS

Introduction

- 5.1 Many of the issues identified around civil rights and freedom related to children and young people's use of public space, both in terms of feeling safe and freedom of association. The right to privacy was highlighted as important to children and young people, although they did not always follow formal advice on Internet safety. Young people were concerned about equality issues such as sectarianism, with social networking sites one of the main avenues through which such attitudes were transmitted.

Corporal punishment, inhuman or degrading treatment

- 5.2 About half of children and young people thought children and young people should be legally protected from 'being smacked'. Just over half (56%) of 11 to 16 year olds in the 'Being Young in Scotland 2009' survey¹ agreed with this; 44% of 17 to 25 year olds did.

Freedom of association and peaceful assembly

- 5.3 Young people identified being afraid to go out because of the fear of violence. In the 'Being Young in Scotland 2009' survey², over one in ten young people reported they were really frightened: 16% of 11 to 16 year olds, and 14% of 17 to 25 year olds.
- 5.4 LGBT young people had concerns about harassment in public places, when they were perceived as lesbian, gay, bisexual or transgender. This was one result from the 2012 online survey of LGBT young people aged 13 to 25, which had 273 full responses and 77 partial ones³. Half of young people were aware of their rights under hate crime legislation and just over half (54%) would feel comfortable about reporting such crimes. Again, just over half (54%) felt safe and supported by the police. More than three-quarters (79%) of LGBT young people felt safe using public transport but only half (52%) of transgender young people did.
- 5.5 Young people wanted the 'mosquito' device banned (this device makes an unpleasant high-pitched noise that typically only under 25 year olds can hear). Over two-thirds (67%) of those responding to the SYP's Manifesto consultation agreed with this statement, with 18% disagreeing and 16% unsure⁴. As discussed in **section 8.10** children and young people have also reported feeling significantly restricted and disempowered by dispersal powers, orders which disperse groups of two or more from designated public spaces.
- 5.6 Children criticised school policies that made them stay on site over lunch, for limiting their personal freedom (**see section 6.27**).

Freedom of religion

- 5.7 Young people were concerned about sectarianism in Scotland. This is evident from the SYP's manifesto consultation⁵, where 79% of respondents agreed with the statement 'Sectarianism in any form should not be tolerated and every young person in Scotland has the right to live without bigotry. We believe that part of the solution lies in the education of young people regardless of their faith'. A further survey was undertaken with 65 Members of the Scottish Youth Parliament (MSYP) and an additional 34 young people from Glasgow's East End through Young Scot. Young people were asked, 'On a scale of 1 to 5, how big a problem do you think sectarianism is?' (with 5 the 'biggest'). Forty-one per cent chose 4 and 31% chose 5. Text messaging and social networking were seen as particularly problematic for sectarianism.

Confidentiality and privacy

- 5.8 Children and young people saw confidentiality as an important right. The 29 young people (aged 15 to 21) involved in three discussion groups facilitated by ChildLine in Scotland⁶ understood this but were less clear about their legal rights in practice. The children and young people did not see confidentiality as an absolute right and did not expect this right to be upheld in serious situations. Children and young people thought that each situation needed to be assessed individually.
- 5.9 Just over one in 10 (13%) prioritised the statement 'help us be able to keep things private' in the voting for SCCYP's 'a RIGHT blether'⁷. Over 70,000 votes were cast across Scotland, of children and young people at school up to the age of 21.
- 5.10 Children and young people also expressed concerns about confidentiality and privacy in regards to advocacy (**see section 3.20**) and health (see chapter 6).
- 5.11 Despite the legal requirement for young people to be aged 13 or over to open a Facebook account, young people reported having an account under the age of 13. This was found in small-scale research by the Children's Parliament for a study for the Information Commissioner UK⁸ and by Young Scot⁹.
- 5.12 Primary and secondary school groups participating in the reference groups for the Information Commissioner UK's research knew about privacy settings on social network sites and general rules about 'internet safety'. However, they did not always follow the recommendations from school. Parents' views were central to what primary school children actually did but not for secondary school pupils. The research generated many questions from children and young people about information held about them by various services, and what control they had over it being shared, whether they could see it and whether they could amend it.
- 5.13 A report by Young Scot¹⁰ looked at the issue of Internet safety in five participative workshops with young people aged 11 to 18 years. The Internet was part of young people's everyday lives, as was social networking. Like other studies, the young people reported understanding issues around

security on-line. However, safety messages were often ignored, with many young people having 'random' friends, accessing social networking sites underage and 'hacking' parental controls.

Summary

- 5.14 The review has produced limited evidence on civil rights and freedoms. The right to online privacy was an emerging issue and may benefit from further research. While children and young people were familiar with messages about online safety and privacy, they may have less information and knowledge about confidentiality and rights to information more generally. There was limited evidence on children and young people's views relating to physical punishment. Children and young people's right to assembly was affected by the fear of violence and by mechanisms which seek to disperse them.

6 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Introduction

- 6.1 Family environment and alternative care is an area where a significant amount of research, consultation and participatory activities have been undertaken with children and young people. This evidence identifies that children and young people have positive experiences of the services and support they receive but there are areas where these are not meeting children's needs. This was especially true for children and young people with higher support needs (such as young carers and those affected by parental substance misuse). Generally, children and young people stated that having their views taken into account in decisions that affect them was centrally important.

Support for children and families

Young carers

- 6.2 Children and young people with caring responsibilities continued to want more support. Three sources provide overlapping results. At the 2012 Scottish Young Carers Festival, 70 children and young people were involved in a round table discussion¹. In an East Lothian survey of all Primary 6 and Secondary 2 pupils in 2011², 31% agreed with the statement 'I regularly help to take care of someone in my family who is physically or mentally ill or has problems with drugs or alcohol'. Twenty young people aged 12 to 23 were interviewed, from across Scotland, for an academic research study³.
- 6.3 Both the Young Carers Festival and the East Lothian Survey found that children and young people wanted more support at school. They wanted teachers to listen more and treat them fairly, for the school to know more and understand, while respecting their privacy.
- 6.4 Children and young people valued their young carers groups. They wanted more of them and funding to be more secure. They wanted more help for their parents and themselves, including having someone nearby the young person could call upon and medication and medical equipment being in order and secure.
- 6.5 Young carers wanted to spend more time out of their homes since money concerns prevented them socialising, attending school trips and going onto further education.
- 6.6 See also **section 6.33-6.35** on children and young people experiencing household substance misuses.

Young children

- 6.7 Family members and friendships were very important to young children. SCCYP's 'a RIGHT wee blether' in 2011⁴ found that 98% of children

mentioned a family member and 61% mentioned a friend in response to 'who is special to you?'.

- 6.8 A group of 9 and 10 year olds from six primary schools in Fife, with other young people as mentors, explored what children in the early years need⁵. The Children's Parliament facilitated discussions to inform the report, 'Joining the dots: A better start for Scotland's children'⁶. The children identified the following issues: adults should keep children safe and healthy; adults should help children learn and grow; adults should be positive about and respectful of children; and adults should provide a loving and caring home for children.

Looked after children and young people

- 6.9 Who Cares? Scotland undertook a consultation with 116 young people on the proposals for the Children and Young People Bill⁷. Young people stated that they wanted to be listened to and heard, respected and loved. Generally, young people wanted positive relationships that provided support. They highlighted the need for more support both preparing for leaving care and after they had left care. Correspondingly, advocacy and throughcare workers were important. Young people emphasised that knowing about their rights was helpful in resolving problems and concerns, such as having contact with their families, during Children's Hearings and at Looked after Children (LAC) meetings.
- 6.10 Research undertaken by the University of Stirling explored feelings of belonging with 22 young people aged 10 to 22 who were looked after⁸. Personal items were highly significant for young people's identities as they moved through placements. Young people's sense of belonging was affected by frequent moves and was influenced by the places where they lived, such as residential units. Being able to make spaces their own was important, as was a need for privacy, security and sharing activities. Having insufficient financial resources had an impact on their transition to independent living
- 6.11 Barnardo's undertook a scoping study of the rights of looked after children with additional support needs⁹. Fieldwork took place in 2009, involving a focus group with five children in residential care and interviews with five children in foster care. These children felt they knew their rights in terms of home and care but not in relation to additional support in learning. They had varied awareness of what to do if they had concerns at school, and wanted information to be accessible and understandable. They wanted support so that they could speak for themselves. They were concerned that they would be bullied if they were noticeably receiving additional support at school.
- 6.12 A series of short films^{10 11 12} produced by the Centre of Excellence for Looked After Children in Scotland (CELCIS) with young people from Who Cares? Scotland, the Debate Project and the group, the Voice of Reason consider a range of experiences for young people in care. The films emphasise the importance of the corporate parent asking 'if this is good enough for your child?'. Children and young people wanted to be placed near their families and that young people generally experienced too many moves. Children and young people wanted supportive adults in their lives who would listen to them

and who could bring about change. Children and young people who had additional needs often struggled with transitions in adult services poorly supported. Another film¹³ made by the same group highlighted that stigma around care continued to be a significant issue.

- 6.13 Local authorities have evidenced different activities involving children and young people who are looked after. Dundee Champions Board¹⁴ includes representation from young people and this has resulted in the involvement of a wide range of professionals including teachers, youth workers and housing officers. East Lothian Council has undertaken a range of consultations¹⁵ to explore the views of children and young people who are looked after. Findings from questionnaires completed by 88 children and young people highlighted that young people had positive experiences around being looked after which included feeling safe, being involved in reviews, having information and getting help from social workers. More challenging experiences included not being able to see friends or family enough, not being able to do activities they liked frequently enough and not having information about their family background.

Residential care

- 6.14 Who Cares? Scotland undertook a consultation with children and young people as part of its thirtieth year celebration in 2008¹⁶. The research focused on children and young people in residential care with 147 young people participating in an online questionnaire, nine in focus groups and 49 participating in one to one interviews with the majority aged 12 to 15. Over half stated that being successful was having 'happy and caring relationships'. It was also about avoiding particular negative situations such as being charged with offences, being placed in secure care or imprisoned. Some of the children and young people felt that they were not able to be successful because of a lack of opportunities. They told family members about their successes more than anyone else and wanted to stay connected with their family. Having increased confidence and skills in coping and anger management were seen to be indicators of success. Children and young people stated that it was important to have control over their own lives. Having a member of staff in a residential unit that they were close to was important in providing support and motivation. Being viewed negatively because they were in care was viewed as a barrier to success.
- 6.15 A more recent consultation¹⁷ was undertaken by Who Cares? Scotland with 95 children and young people living in different residential placements purchased by local authorities. Overall, children and young people stated that their placement was positively impacting on their lives. They were able to identify benefits including safety and being more engaged with education. Generally they felt more motivated and confident and stated that they felt cared for by staff. Less positive experiences were reported around involvement in planning for their placement moves and in planning for their future. Those who had made a complaint identified that some felt their complaint had been responded to while others did not or did not know.

- 6.16 Who Cares? Scotland undertook a consultation with 51 children and young people aged between 12 and 16 in order to explore experiences around food in residential care¹⁸. Most children and young people identified that they were served poor quality food, wanted more consideration of their individual needs and likes and dislikes, and wished to be more involved in discussions and decisions about food related issues.
- 6.17 A short film¹⁹ of a play produced by young people at Kibble Education and Care Centre highlights the positive and negative experiences of being in care. These include: love, care and support from residential staff; the challenge of being moved around a lot; realising that sometimes young people were better off in care; and the stigmatising nature of being in care. Young people who took part highlighted the importance of creative activities such as drama and storytelling.
- 6.18 The evaluation²⁰ of a pilot which considered profiling for the recognition of prior learning for looked after young people found that young people enjoyed the activity of profiling with increased skills and confidence reported. Overall, young people felt supported and there was increased awareness of career options.

Secure Care

- 6.19 Research was undertaken by Who Cares? Scotland on young people's experiences of secure care²¹. It was undertaken in 2008 and therefore at the beginning of the period of this review. It was based on interviews with 76 young people, with the majority of participants being male. Although staff were welcoming on admission to secure care, young people said that they did not get enough information or were insufficiently consulted about the move to secure care. Sanctions within secure care were seen as necessary but young people were unhappy about the methods used. Young people welcomed contact with families, although they were concerned at the limited opportunities. The majority felt their education in secure care was good with leisure opportunities provided. However, young people highlighted that they often felt bored. Exit plans were relatively unknown to young people. Some had access to throughcare workers and many had support from agencies and workers in communities or residential care once they left secure care.

Foster care

- 6.20 Who Cares? Scotland was commissioned by CELCIS and Scotland Excel to undertake a consultation with young people with experience of local authority and independent foster care provision²². Fifty two young people participated in either a survey or group discussions. Young people highlighted that their experiences were varied and not consistent in quality. They talked of positive experiences, as well as situations where foster care could have been improved. Young people wanted their views to be heard about all aspects of their care and to be able to input into decisions. Support with education was appreciated as well as being able to participate in activities and go on holiday. The help they received from social workers, carers and advocates was important, particularly around managing transitions. Young people wanted

their experiences in foster care families to be the same as other members of their foster carers' families. The study found that reasonable expectations in foster care were still not being consistently met.

Looked after at home

- 6.21 CELCIS published a summary of research messages on home supervision in 2012²³, which highlights the small amount of research undertaken on home supervision. It draws attention to early findings from ongoing research²⁴ with 23 children and young people across Scotland, which found that children and young people welcomed the mentoring, informal coaching and other forms of support that Home Supervision Requirements (HSR) gave. Children and young people did not always understand why they had a HSR. Continuity and stability were important. Other research²⁵ from a study including interviews with 10 young people found that children and young people complained about the frequent changes in social work and other staff. Although children and young people thought that HSRs could have benefits in terms of access to resources, there was scepticism about their impact.

Kinship care

- 6.22 A study was undertaken by the University of Stirling and Children 1st that explored the views of children and young people between the ages of 11 and 17 on their kinship care²⁶. Children and young people were generally positive about their experiences of kinship care and their new families, with no wish to return home. They were able to identify what had made the move to living with their kinship carers easier. This included their new carers being familiar to them, that the move had taken place over time, and that they only moved a small distance and did not have to change schools. They did not see themselves as different to other children and young people and found their new lives more stable than previously. Sometimes there were challenges in adapting to new approaches to parenting and concerns about the health of older carers. For some, unplanned meetings with parents were difficult, along with missing contact with some of their extended family.

Leaving care

- 6.23 A conference held in 2009 by the Debate Project brought together 40 care leavers round Scotland²⁷. The vast majority identified that they felt negative when leaving care, often feeling isolated, alone and uncertain about their future. Young people identified that they needed better options in accommodation as what was available was often unsuitable. They needed access to resources, both financial and practical as well as emotional support. They highlighted that having someone to listen to them or give them some help made them feel more included and the support of workers was crucial.
- 6.24 The Debate Project made a short film²⁸ about the experiences of young people leaving care. This identified the challenges for young people who have left care including: being placed in unsuitable accommodation; low levels of benefits; the ways in which young mothers who are care leavers were viewed; and having to deal with major life transitions on their own.

- 6.25 Young care leavers in their submission²⁹ on the proposals for the Children and Young People Bill from the Debate Project highlighted the need for the UNCRC's Article 12 (the right of every child to have a say in all matters affecting them, and to have their views taken seriously) to be implemented appropriately. They felt their views were not consistently heard in the processes which affected them. This had a negative effect on their feelings of power and control in their lives, particularly in terms of their accommodation needs and the relationships that supported them. They also highlighted the need for young people who were looked after to be protected by children's rights up to the age of 21 or 25 years. The young people strongly wanted a duty to be placed on local authorities to provide support to care leavers up until the age of 25. The response highlights the need for young people to be able to choose their named person and the need for services to be 'joined up' in providing services. Generally, young care leavers emphasised the importance of their emotional needs being met, alongside ensuring that their practical needs such as housing are addressed.
- 6.26 Eleven young people were consulted about their past experiences of living in residential care by the Scottish Throughcare and Aftercare Forum³⁰. The consultation explored rules, sanctions and culture and found examples of positive experiences although the consultation's focus was to identify those areas that had been negative or restrictive. Young people talked about bedrooms being locked and not being able to have friends over for sleepovers. There were restrictions which impacted on relationships with friends such as having friends over for meals and not being able to stay with friends unless police checks took place. Taking part in activities could be hindered due to health and safety requirements. Overall, young people thought that there were too many rules and that these could provoke negative reactions from other young people.
- 6.27 An initiative³¹ involved care leavers in the co-production of designing and improving leaving care services. Helpful and meaningful ideas for care leaving services were identified, for Argyll and Bute, from workshops focused on the social and emotional care of young people leaving. This approach was viewed as a productive approach that could be used in other settings.

Child Protection

- 6.28 South Lanarkshire Council surveyed children and young people involved in the child protection process during 2012³². This involved 29 children aged from four to 14 years. All of those surveyed were able to say who their social worker was and most knew why they had a social worker: being kept safe was identified as the main reason. Those who could not say who was their social worker were younger in age. Children and young people stated that their social worker helped them with problems with their family and over half said that it helped to keep them safe. When they felt unsafe, the majority would talk to their parents or other family members, followed by the social worker, with smaller numbers identifying their friends or teachers. The majority reported a good relationship with their social worker and stated that it had improved their situation. Over two-thirds had been asked what they wanted to happen and the majority felt that their views had been heard.

- 6.29 The findings from the South Lanarkshire consultation are complemented by research³³ undertaken in Renfrewshire on children and young people's experiences of a child protection investigation. Eleven children and young people aged 12 to 17 years were interviewed. None of the participants knew what to expect at the start of the investigation and the majority did not know that it was going to take place. Generally, children and young people were dissatisfied with the investigation, due to the lack of information and little understanding about the process. The majority identified that the child protection investigation was positive in its impact on their lives and had views on how to improve the process. This included: involving children and young people more when decisions were being made; ensuring that decisions were carried out or reasons given why this was not possible; giving children and young people the opportunity to attend child protection case conferences; providing information throughout; and facilitating families' involvement.
- 6.30 The perspectives of children with a parent in prison were explored in a study commissioned by SCCYP. Interviews were undertaken with 11 children and young people between the ages of four and 14³⁴. The research identified that having a parent in prison had a profound impact on children and young people. The majority heard about their parent being imprisoned from a grandmother, who was also highly important for support generally. Children were very concerned about the parent who was in prison. The impact of imprisonment was greater on the child or young person, if he or she lived with the parent previously.

Child sexual exploitation

- 6.31 There was little evidence on the views and experiences of children and young people and child sexual exploitation. This was confirmed in a recent study which reviews current research and evidence undertaken by Brodie and Pearce (2012) for the Scottish Government³⁵.

Child trafficking

- 6.32 There is a growing body of research on child trafficking³⁶. However the review found that there was little that looked specifically at trafficking in Scotland and no work was identified that took account of the views and experiences of children and young people.

Household substance misuse

- 6.33 Few studies explored directly children and young people's own experiences of parental alcohol and drug misuse, instead relying on adults' retrospective accounts. Other work has directed its attention on understanding prevalence rates across Scotland.
- 6.34 One study by Gillian et al (2009)³⁷ interrogated the ChildLine caller database³⁸. The work revealed the corrosive effect of harmful parental drinking on family life. Negative impacts included severe emotional distress, physical abuse and violence and a general lack of care, support and protection. Children living with harmful parental drinking could experience

isolation outside the home, while stigma and secrecy prevented them seeking help. Children were found to employ a range of strategies for 'getting by' including assuming practical and emotional caring responsibilities and getting 'out of the way' of a drinking parent.

- 6.35 Hill's (2011) doctoral research on children and young people's experiences of living with parental alcohol problems revealed that even young children 'know a lot' and 'keep things hidden' for many different reasons³⁹. The study emphasised the negative impact of parental alcohol misuse and the diverse ways in which the issue is experienced and managed. This diversity, the study concluded, needs to be acknowledged by professionals. Children and young people wanted their experiences to be recognised but did not want to be treated differently. They appreciated time out of the home, as well as interventions delivered at their own pace and in confidence.
- 6.36 No studies on children and young people's experiences of other forms of substance misuse were identified post-2008.

Parental guidance and responsibilities

- 6.37 No specific research on children and young people's views and experiences of parental responsibilities was identified, although the broad topic of parenting is related to other issues such as health, household substance misuse and domestic abuse.
- 6.38 The 'Being Young in Scotland 2009' survey⁴⁰ emphasised the important role parents have in young people's lives, with 90% believing that parents/carers take account of their views a 'great deal' or a 'fair amount'. Parents were an important source of information about rights and were the most frequently mentioned role model. They were also cited as those with the greatest influence on young people's attitudes and as someone that could be trusted and respected.
- 6.39 'A RIGHT wee blether' (2011)⁴¹ asked young children who was special to them. Family was the most common theme with 98% of all children talking about a family member. Children consulted in the Children's Parliament (2012)⁴² workshops said that the Scottish Government needed to make sure parents fully understood children's rights and acted on them. Parents and carers were also identified as key people who needed to know about children's human rights. For the children consulted, having protective and supportive parents, carers and guardians played an important role in making them feel healthy, happy and safe. Children were also aware that parents and carers can have their own worries or problems and they might need support to help them care for their children.

Domestic abuse

- 6.40 Domestic abuse is an area where children and young people have significantly influenced the policy agenda. Work began pre-2008 when children and young people were consulted on the National Domestic Abuse Delivery Group Draft proposals⁴³. A group of young people subsequently met

with Ministers to put forward their concerns about services supporting children affected by domestic abuse, their experiences of services and their recommendations for improvement (Houghton, 2008)⁴⁴. This work demonstrated the need for the voices of children and young people experiencing domestic abuse to be heard and taken into account.

- 6.41 Two key initiatives have resulted. The first is Voice Against Violence (VAV). Launched in November 2009, it involved eight 'Young Experts' with first-hand experience of domestic abuse and different services. Acting as 'critical friends' of adults in power, the group sought to ensure that children and young people experiencing domestic abuse in Scotland had a voice and were heard in policy making. The process of using a peer education model of participation has been documented in 'Question Time'⁴⁵. The group produced research and other resources, including a survey on domestic abuse of 610 young people in Scotland⁴⁶. VAV was actively involved in the National Domestic Abuse Delivery Plan for Children and Young People⁴⁷.
- 6.42 The second is the service model, Cedar (Children Experiencing Domestic Abuse Recovery), which provides a therapeutic 12 week group work programme for children and young people who have experienced domestic abuse, alongside a concurrent programme for their mothers. Evaluated using an action research approach that embedded children and young people's views into the process (Sharp et al, 2010)⁴⁸, feedback was positive. Following engagement with Cedar, children and young people reported a better understanding of domestic abuse and safe behaviours, greater ability in managing emotions and a positive impact on their relationship with their mothers.
- 6.43 More recent doctoral research has explored children's participation in child contact in cases where there is a history of domestic abuse. This research involved in-depth interviews with 18 children; however, its findings are yet to be released. An initial analysis has been published that focuses on the processes of participation and the 'weight' given to children's views. The research concluded that, while children's views were taken account of, often the process of voicing their opinions was poor. The research calls for more empirical work on children's participation in family law proceedings⁴⁹.

Summary

- 6.44 The family and caring environment had a critical role for children and young people, both as a form of inclusion and as a means of ensuring positive outcomes and well-being.
- 6.45 Looked after children continued to face a number of everyday challenges including being listened to and their views taken into account, stigma, a weak sense of belonging and identity and a lack of quality support. At the same time they also had positive experiences of care.
- 6.46 For all children and young people, positive experiences of home and family were closely bound with the ability to input directly into decisions about their care. Particular value was given to support and mentoring that was inclusive

and respectful of their rights. Parents were of central importance to children and young people. Where this relationship breaks down (in the case of domestic abuse or parental substance abuse) it becomes more important to provide quality care and support that understands their experiences, but does not treat them differently.

- 6.47 There were a number of clear gaps in understanding children and young people's own views and experiences, particularly in relation to child trafficking, sexual exploitation and household substance misuse. Further knowledge on the role of the parent in children and young people's lives would also be helpful to better understand the parenting role and to consider how alternative forms of care can be improved.

7 BASIC HEALTH AND WELFARE

Introduction

- 7.1 Children and young people continued to report barriers to accessing health services. These were especially enduring for minority groups who often found health professionals to be judgemental, unwilling to listen and lacking in understanding for their situation. Initiatives for improving access were both creative and wide ranging but were not delivered consistently.
- 7.2 Much of the evidence on children and young people's health relied on quantitative surveys. They reveal continued concerns for children and young people's health, in regards to obesity, low levels of physical exercise and misuse of drug and alcohol.
- 7.3 Wider health issues have been considered in terms of child poverty and homelessness. Evidence on children and young people's own experiences in the Scottish context was weak. Using statistical measures of children and young people's standards of living is critical but does not provide in-depth perspectives on children and young people's experiences.

Health and health services

Health for all children (Hall 4)

- 7.4 The review did not identify research or consultation on Hall 4's implementation from the perspective of children and young people (a service review¹ was undertaken but from the perspective of health professionals). Research, rather, has focused broadly on measuring inequalities in key health outcomes.

Inequality of access to health services

- 7.5 The review did not identify evidence on involving and engaging children and young people in improving access to healthcare services. 'Better Together'², a programme aimed at securing better access to GP appointments, did survey patients on their experiences; however, this included only one response by a young person.
- 7.6 There is, however, some evidence on how specific needs groups were experiencing access to health services. In the film 'Youth Voices' (2010)³, young people from seven different agencies communicated their opinions, expectations and experiences of health services. Young people were often concerned, embarrassed or worried about visiting their GP, particularly in relation to discussing 'taboo' issues such as sexual and mental health. In some instances, health facilities were unwelcoming, with receptionists acting as unfriendly 'gatekeepers'. Positive experiences of health professionals were those who were patient, understanding and took time to make young people feel comfortable. Young people felt that health providers could do more to listen and treat them with greater respect.

- 7.7 Consultation with 22 young parents living in Highland⁴ reported that the attitudes and behaviour of health visitors, doctors, social workers were, at times, judgemental and prejudiced. This is a significant finding given that many consultees were experiencing mental health difficulties. Positive experiences related to health professionals who were supportive and had a friendly attitude.
- 7.8 LGBT Youth conducted a national survey with LGBT young people covering health issues⁵. Initial analysis of the 350 responses (the report is currently unpublished) found that 2 in 5 considered themselves to have mental health issues. Fifty six per cent of LGBT and 48% of transgender respondents said they felt safe and supported by the NHS in terms of their sexual orientation and gender identity. Similar proportions of young people felt comfortable talking about sexual health issues with their doctor. While positive experiences were reported, young people identified problems such as health professionals assuming they were straight, not catering to their needs, or demonstrating a lack of understanding of the specific issues affecting them. Overall the experiences of LGBT young people may not be as positive as other young people, a concerning finding given the high levels of mental health issues.
- 7.9 The Young Scot Access All Areas project⁶ found that young people from minority groups felt that there were a number of barriers that restricted access to appropriate health provision in Scotland. The young people concluded that there was a need to raise awareness of how to access appropriate health information, physical activities and health care services. Moreover, the young people wanted more say in how health services were developed so they could be tailored more to suit the needs of minority groups in Scotland.
- 7.10 Young people involved in the Scottish Young Carers Festival⁷ felt they were not respected by the medical profession for their caring role.

Initiatives for improving access

- 7.11 Despite the inequality in access identified, the review found evidence of initiatives seeking to promote youth-friendly health services. There was, however, limited information on precisely how and to what extent young people were involved in these projects.
- 7.12 'Walk the Talk' is a service managed by NHS Health Scotland⁸ and has produced resources with the direct involvement of children and young people. This includes a series of 'tip cards'⁹ developed in collaboration with Young Scot's Young People's Health Panel aimed at communicating young people's needs to health care professionals. The key messages were similar to those in 'Youth Voices': health services should be more accessible and welcoming for young people, while health professionals should be respectful, understanding and non-judgemental. Young people wanted to be involved, not only in decisions affecting their health, but in the type and form of health services provided.

- 7.13 Action for Sick Children developed a resource pack¹⁰ to address the lack of awareness that children and young people had of their rights and responsibilities in health settings. Produced with children and young people's involvement (no details on the nature of involvement was provided), the resource provides a structured approach to discussing healthcare services and healthcare rights with children and young people.
- 7.14 Confidentiality and consent were the themes of a Walk the Talk project in 2009¹¹. This used an on-line survey with 146 children and young people and roadshow events with 140 children and young people to test a confidentiality poster for use in primary care settings. An important resource was developed and emphasis was given to the active role that children and young people can have in developing health services.
- 7.15 The review revealed other examples of active participation in health services, such as the Young People's Advisory Group, established in 2012 to allow NHS Lothian to hear young people's views on health care¹². No publications or reports were available on this initiative.

Mental health and well being

- 7.16 NHS Health Scotland commissioned a consultation with children and young people to contribute to the development of a framework for mental health indicators. This consultation involved 70 children aged from 3 years to young people in their early 20s with a range of experiences, including young carers, young Gypsy Travellers, black and minor ethnic young people, young people with learning disabilities and younger children¹³. The consultation focused on what contributed to children and young people's well being.
- 7.17 In the NHS Health Scotland consultation, children and young people identified that they were not consistently listened to by adults. Family and friends were important for all the children and young people, as well as adults who they trusted and/ or who were professionals. Young people of all ages from three years upwards were able to identify a range of situations that they viewed as not being fair, including being bullied, excluded or being discriminated against as well identifying positive activities that they enjoyed such as being with friends, play outside and taking parts in sports and clubs and using online media.
- 7.18 The Scottish Health Survey¹⁴ highlighted that the vast majority of children and young people (87%) were satisfied with their life, while 44% were very happy. Thirty nine per cent of children and young people often felt confident. A minority of children and young people always felt confident, with the figure for boys twice as high as that for girls between the ages of 13 and 15. The survey showed that happiness, confidence and feelings of not be left out have increased since 1994, when a measure of happiness was first included in the survey.
- 7.19 A study¹⁵ undertaken by Highland Children's Forum on sadness involved 310 children and young people aged between 5 and 14. The children and young people identified that, when they were experiencing loss through separation or

bereavement, other family members were also dealing with these experiences as well. Friendships could change and their experiences of loss could impact on their school work. Children and young people stated that it could mean that they did not go out and that they could get depressed and their mental health would be poorer.

- 7.20 The Junction project in Edinburgh undertook a survey¹⁶ of 115 young people aged 14 to 17 years. Young people thought that their lives had 'ups and downs' with one in 10 young people aged 15 years and ethnic minority girls feeling negative about their lives. Thirty seven per cent of young people thought that their lives were fine at present, while 18% felt positive about their lives. One in four wanted someone to talk to about family issues. When they needed someone to talk to, young people wanted skilled adult staff and confidentiality.

Healthy lifestyles

Nutrition and obesity

- 7.21 The range of evidence on diet and nutrition relies heavily upon two quantitative datasets. The Scottish Health Survey 2011¹⁷, surveyed 1,987 children aged 0 to 15 in 2010/11 (13 to 15 year olds answered questions directly, with a parent or guardian present). The survey of Health Behaviour in School-aged Children (HBSC)¹⁸ undertaken in 2010 involved nationally representative samples (n=6,771) of children and young people in school years: Primary 7, Secondary 2 and Secondary 4. While evaluations of locally based healthy eating projects have been completed, there appears to be less research and consultation on children and young people's own, everyday, relationship to their nutrition and health.
- 7.22 The Scottish Health Survey¹⁹ found that almost a third (31%) of children aged 2 to 15 were overweight or obese and that obesity was significantly associated with area deprivation. This was similar to the proportion reported in the HBSC survey²⁰.
- 7.23 The Scottish Health Survey reported that just over one in ten children met the recommended daily intake of five or more portions of fruit and vegetables per day. Mean portions have not changed significantly since 2003. The HBSC, meanwhile, found that just over a third (36%) of young people ate fruit or vegetables daily²¹.
- 7.24 Research using the HBSC survey²² concluded that fruit and vegetable consumption was more frequent among children with high family affluence. Looking at trends between 2002 and 2010, adolescent eating behaviours in Scotland had improved, yet persistent inequalities remained. The research concluded that initiatives directed at more deprived groups are still required.
- 7.25 The HBSC survey²³ also revealed young people's feelings about their weight. It found that girls were twice as likely as boys to be on a diet or doing something else to lose weight. A quarter of boys and two fifths of girls reported that they felt too fat. NHS Health Scotland²⁴ conducted a small study

into the awareness, knowledge and attitudes towards healthy weight. Twenty four depth interviews were conducted with young people aged 13 and 14, which concluded that unhealthy weight is not readily recognised by young people. While notions of an 'ideal' weight are influenced by the media, young people (especially girls) primarily assessed weight through comparison with peers. In terms of how health professionals approach a child's unhealthy weight, young people felt this should be done in a manner that avoided stigma.

- 7.26 Other small studies have focused on the role of the school environment on improving children's diets. The Glasgow Centre for Population Health²⁵ assessed the quality of popular foods purchased by pupils from outlets near school. Many secondary pupils who ate out of school at lunch time buy unhealthy convenience food of very poor nutritional quality.
- 7.27 The 'Big Eat' was a pilot project in which S1 pupils in eight Glasgow schools were encouraged to stay in school at lunchtime, eat healthily and take part in activities²⁶. The project included focus groups with children across all pilot schools and overall the healthy food offered was praised. Complementary activities were well received and encouraged many to stay on site over lunch. Children were less supportive of projects with stay-on-site policies, arguing that they were unfair and impinged on their personal freedom.

Physical activity

- 7.28 Children and young people's relationship to physical activity was found to be strongly related to social context, both at a macro and micro level. Area deprivation influenced involvement in physical activities, as did locality, social interactions and personal relationships.
- 7.29 The Scottish Health Survey 2011²⁷ found that 73% of children met the physical activity recommendations including school-based activity. Area deprivation was significantly associated with physical activity levels for boys, but not for girls. Furthermore, fruit and vegetable consumption was significantly associated with meeting the physical activity recommendations.
- 7.30 In terms of encouraging participation in physical activity, research for NHS Scotland²⁸ found that young people were more attracted to group rather than solitary activities. They were particularly enthused by events and projects that involved them working with friends to achieve a goal, thereby making exercise an enjoyable by-product. More could be done to communicate guidelines for exercise better according to age and stage. Young people described themselves as more receptive to hearing messages from adults outwith schools than from teachers or GPs, both of whom were considered to be more likely to lecture them. Friends, family and peers were important communicators on physical activity.
- 7.31 Active travel to school was the focus of a 2009 study by the Child and Adolescent Health Research Unit²⁹. Focus group discussions were conducted with 66 students from four primary and three secondary schools. Personal safety, weather conditions and time/distance were the most commonly

perceived barriers to active school travel. To a lesser extent, image, physical discomfort and aspects of the physical environment also prevented children from walking or cycling to school. Enjoyment, confidence and especially social influences all had a positive impact on active travel behaviour. The study concluded that the effectiveness of policy interventions depended on developing better understandings of these social factors on children.

- 7.32 Research explored the relationship between girls and physical activity. The Fit for Girls programme is a joint initiative between the Youth Sport Trust and sportscotland, aimed at increasing physical activity participation among girls aged 11 to 16 years. The programme was launched in 2008 and was delivered to all Scottish secondary schools over three years. The Child and Adolescent Health Research Unit undertook an evaluation of the project, involving a questionnaire to all S2 girls in year one and focus groups in four case study areas^{30 31 32}. The study found that health and fitness was important to girls and enjoyment was high. However, participation was low due to barriers associated with perceptions and attitudes to sport. Overall, the projects at a local level had a positive impact on girls' participation and enjoyment of sport. Giving girls a 'voice' in sport, the study concluded, was critical in tackling the factors that impact on girls' participation and engaging them in PE, physical activity and sport.
- 7.33 A further study examined adolescent girls walking behaviours, experiences and attitudes³³. Drawing on focus groups discussions and a mapping exercise with 27 adolescent girls aged 11 to 14 from one urban and one rural school in Scotland, it revealed walking to be an important component of everyday activity and social interaction. Social context was critical to understanding why and how girls used walking and the study concluded that public health interventions could do more to take account of this.

Drug misuse

- 7.34 The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) survey³⁴ monitors the prevalence and trends in smoking, drinking and drug use among young people at a Scottish level. In 2010, 37,307 S2 and S4 pupils completed the survey. In relation to drug use, 21% of 15 year olds and 5% of 13 year olds reported ever having used drugs. Cannabis was by far the most common drug, with very few reporting the use of other drugs. Forty-two per cent of 15 year olds and 16% of 13 year olds reported being offered at least one drug and similar proportions felt it would be 'very easy' or 'fairly easy' to obtain drugs. Friends were the most commonly reported source. Of those who had taken drugs, very few reported that they had felt they needed help. Around three-quarters of young people agreed that their school provided them with the advice and support they needed to take important decisions about drugs.
- 7.35 In 2011, Young Scot undertook consultation into peer-led approaches to substance misuse education³⁵. The work involved a national survey, local investigation days and a national discussion day. The survey found that teachers and parents are the main educators, while peers and the internet were less significant. Knowledge of 'peer education' was low, yet young

people felt that this would be a positive way of learning about substance misuse, as would learning from someone involved in drugs in the past. While school was an important site for learning, young people also emphasised the importance of providing local services outwith educational facilities. Allowing young people to be involved actively in ongoing national conversations about drugs was also considered critical.

Alcohol

- 7.36 SALSUS³⁶ provides comprehensive data on young people's relationship to alcohol. It reported that 44% of 13 year olds and 77% of 15 year olds have had an alcoholic drink at some point, while 14% of 13 year olds and 34% of 15 year olds had consumed alcohol in the week before the survey. While reported alcohol consumption declined between 1990 and 2002, this trend has ended and consumption in 2010 had again increased. The three most common sources for purchasing alcohol were friends, shops and relatives. Thirteen year olds were most likely to report that they usually drink at home, while 15 year olds were more likely to drink at someone else's home or at a party. Drinking outside had declined slightly but still accounted for around a third of all 15 year olds.
- 7.37 The Edinburgh-based Health Opportunities Team (HOT) conducted a survey of 428 children and young people aged 11 to 18 on their drinking habits, attitudes to alcohol and access to information and support³⁷. Drinking was a social activity for children and young people, normally associated with friendships. While perceiving a connection between alcohol consumption and mental well-being, children and young people were far more likely to identify with the physical consequences of drinking. In terms of support and information, children and young people favoured those services that enabled them to express themselves and to be listened to in a way that was relevant to their lives.
- 7.38 A visual resource by the Glasgow Centre for Population Health (2012)³⁸ aimed to look at young people's relationship to alcohol through 'their eyes'. The research involved eight activity-based focus groups with young adults aged 16 to 30. Excessive alcohol use was regarded as an essential part of being an adult. Distinct gendered norms around drinking also existed. Female respondents described collective drinking as a strategy for reducing the risks of male violence whilst intoxicated. Male respondents, meanwhile, saw the risks of drinking as exclusion from commercial drinking establishments and threats of violence or arrest.
- 7.39 The Scottish Youth Commission on Alcohol was undertaken during 2009³⁹, involving 16 'youth commissioners' aged 14 to 22 in a year-long investigation into Scotland's relationship to alcohol. As well as study visits and discussions with experts, over 3,000 young people were consulted in two national surveys and focus groups. Young people, it was emphasised, should be co-designers of alcohol strategies, with methods such as peer education and Youth Champions suggested as a means of establishing a permanent voice for young people in alcohol related policies. Suggestions were made for further

research on topics such as pre-loading, the leisure needs of different age groups and passive drinking.

- 7.40 The role of alcohol education was emphasised in the 'Being Young in Scotland 2009' survey⁴⁰. Around two-thirds of young people reported that alcohol education at school informed them about facts about alcohol, while two-thirds of 11 to 16 year olds said education had either completely or partly made them consider not drinking alcohol. Focus groups conducted by the Youth Commissioners⁴¹ concluded that young people struggled to recall details about alcohol education at school. It was concluded that alcohol education needs to be embedded better within existing strategies for education about health and well-being and training for learning professionals strengthened.
- 7.41 'Peer Learning Through Dialogue: Young People and Alcohol' (2010)⁴² is an action research project which utilises 'dialogic techniques' to tap into young people's knowledge, experiences and needs, enabling them to 'co-design' their own learning. Young people, they found, recognised the way in which alcohol in Scotland was simultaneously glorified and vilified. Not only could young people generate a high level of relevant knowledge about alcohol but they used this to develop sensible coping strategies for themselves and peers. The project was developed by a group of teenage volunteers, the AlcoLOLs, and two public relations researchers, tested in a local school, presented at the Scottish Parliament to policy stakeholders concerned with alcohol, and subsequently extended to a number of schools across Edinburgh.
- 7.42 Much of the focus on alcohol education has been on young people. The Rory Learning Resource⁴³ aims to help build resilience and raise awareness of alcohol with children aged 5 to 11 years and to explore issues surrounding parental alcohol misuse. It was piloted in West Lothian in 2009 and an evaluation was undertaken to understand how it was experienced. This involved evaluation sheets from 870 pupils across P1 to P7, as well as writing and drawing exercises. There was clear evidence that the resource was successfully educating children on the effects of alcohol and encouraging them to think about how to talk to someone if they felt sad or lonely.
- 7.43 The Lloyds Foundation for Scotland Partnership Drugs Initiative (PDI) has been heavily involved in supporting and evaluating work that the voluntary sector is undertaking with children and young people affected by substance misuse. Working with Evaluation Support Scotland and six PDI funded groups, the 'Reversing the Trend' project aims to gain a better understanding of how preventative approaches can measure change. The outcomes of this project are yet to be released; however, the consultation emphasised that projects must put children and young people's voices at the heart of evaluation methods.

Smoking

- 7.44 SALSUS⁴⁴ found that among 3% of 13 year olds and 13% of 15 year olds were regular smokers. Levels of smoking are now the lowest they have been

since the survey began in 1982. Cigarettes were purchased from a range of places, although it was most common for regular smokers to get someone else to buy them from a shop -- often an unknown adult. Around half of regular smokers reported buying cigarettes from a shop themselves. Almost two-thirds of regular smokers reported that they had tried to give up smoking. There was evidence of parental influence on smoking behaviour. Regular smokers were also more likely than occasional smokers to report that their families do nothing or encourage them to smoke.

- 7.45 Research on physical activity⁴⁵ found that smoking was a barrier to participation in physical activity by young people. Young smokers reported that smoking reduced their physical functionality, while non-smokers reported that friends who had taken up smoking had given up physical activity pursuits.

- 7.46 Researchers from the University of Edinburgh undertook qualitative research into children and young people's understandings and experiences of second-hand smoke (SHS) in the home and car⁴⁶. A total of 38 children and young people aged between 10 and 15 with close family members who smoked were recruited from both socio-economically advantaged and disadvantaged area. The study found that children and young people are aware of SHS as a health risk and took an active role in resisting family members smoking. At the same time they resisted the portrayal of smoking parents as irresponsible by describing them as 'responsible' smokers. The study emphasised the need for public health responses to take greater account of children and young people's views and their role in family health promotion.

- 7.47 In terms of attitudes to smoking, the SYP responded to the consultation on the provisions of the Tobacco and Primary Medical Services (Scotland) Bill⁴⁷. The responses from an on-line survey of 83 young people found that 64% of respondents would be in favour of a ban on cigarette vending machines and 54% supported a ban on displays of tobacco products. Young people were strongly in favour of banning shopkeepers who sell cigarettes to underage young people. The SYP also consulted young people on standardised packaging of tobacco products⁴⁸. It was agreed that tobacco companies should have to prohibit the use of logos, colours, brand images and promotional information on packaging to make tobacco smoking less appealing to young people. There was also support for a change in the law to require standardised packaging for tobacco products.

Sexual health

- 7.48 The Scottish HBSC study⁴⁹ collects data from 15 year olds (S4) on reported sexual intercourse and contraception use. Friends and school were the most popular sources of information on sexual matters, with boys utilising the internet more than girls. Approximately three quarters of 15 year olds reported that it was easiest to discuss personal and sexual matters with friends. Almost a third of 15 year olds said that they have had sexual intercourse, with girls (35%) more likely to report sexual intercourse than boys (27%). Finally, the proportion of 15 year olds who used a condom during last intercourse increased between 2002 and 2006, from 70% to 79%, but then dropped to 72% in 2010.

- 7.49 No information was identified on young people's views and experiences of sexual health services Scotland. However, Healthy Respect is currently seeking the views of young people on why they do or do not access sexual health services. This forthcoming consultation is particularly interested in the views of young people who are less likely to attend a service, and who may be more vulnerable to poor sexual health outcomes⁵⁰.
- 7.50 The SYP consulted 30 MSYPs aged 15 to 23 on National Guidance: Under-age Sexual Activity⁵¹. The majority felt that whether under-age sexual activity was reported as a child protection issue depended on the particular situation. Most also felt that youth workers or practitioners should be able to support young people without the prior consent or knowledge of their parent or guardian. Eighty per cent were in favour of the minimum age remaining at 16.

Survival and development

- 7.51 The review found little evidence on this topic.

Disabled children and young people

- 7.52 A large minority of disabled children and young people did not feel listened to by health professionals. Out of 91 children and young people with disabilities and/ or long term conditions responding to a self-report questionnaire, only one-fifth of children and young people felt always listened to, and two-fifths felt sometimes listened to⁵².
- 7.53 Respondents who received personal support in schools welcomed it but felt they needed more support. Children and young people reported having insufficient personal support outwith school, to support respondents' friendships and socialising particularly in public spaces. Disabled children and young people often had to rely on parental support, which undermined their autonomy⁵³.
- 7.54 Young disabled people were concerned about transitions from school. Young people involved in the 'Doran Review on Learning Provision for Children and Young People with Complex Additional Support Needs' thought care packages were complicated and insufficient to meet their needs⁵⁴. Generally, young people with additional support needs wanted more information about post-school options⁵⁵.
- 7.55 McConkey (2011) evaluated Action for Children's short breaks services in Glasgow, Edinburgh and Cardiff⁵⁶. These services were for families whose children, up to the age of 19, had developmental disabilities and severely challenging behaviour. Five young people were interviewed, who used these services, and seven more children were observed. The report gives no further information about where the children were located. These young people reported enjoying the activities they experienced while on short breaks and the relationships they had with staff. The young people missed their families, being away from home and possessions.

HIV and AIDS

- 7.56 Post-2008 research and consultation relating to children and young people's awareness and experiences of HIV and AIDS was extremely limited. One recent article⁵⁷ charts the health and social care needs of children and young people infected with, and affected by, HIV in Scotland. This included interviews with five children and young people infected with HIV and seven children and young people affected by parental HIV. The 'infected' children and young people sought to present themselves, their lives and HIV as 'normal'. This was judged to be an indicator of the presence of stigma. Significantly, none of the children and young people was able to talk about their illness outside a very small, strictly defined zone of safety. The 'affected' children and young people said that they lived with fear and uncertainty yet they also wanted to be seen as 'normal'. There was a consensus amongst all the children and young people that universal and specialist support should be available. The study concluded that given cuts to public resources it is difficult to envisage a future in which the needs of these children and young people will be prioritised.

Standard of living

- 7.57 Evidence of children's and young people's views and experiences of child poverty and homelessness was scarce, with much of the available data being UK wide or based on statistical indicators.

Child poverty

- 7.58 The Scottish Health Survey found that the general health of most children aged 0 to 15 was reported to be 'good' or 'very good' (95%) in 2010/2011. However, a statistically significant association between deprivation and the prevalence of long-term health conditions was identified.
- 7.59 One forthcoming study is being undertaken by Demos⁵⁸. The first large-scale analysis of Scottish families' experiences of multiple disadvantage, it is using focus groups, diary-prompted interviews and ethnography to develop detailed knowledge of the challenges of families (including children and young people) suffering from multiple disadvantages.
- 7.60 The SYP (2009) have involved young people in their campaigns against poverty by undertaking on-line focus group to inform their response to Ending Child Poverty: Making it Happen⁵⁹. Respondents agreed that ending child poverty must go beyond providing simplistic solutions such as providing employment. Childcare and support to disabled young people was highlighted as critical. Scotland should focus on children's public services and community safety as a means of reducing poverty in the Scottish context. In workshops held by the Children's Parliament (2012), 60 children said that stopping poverty would enable children to have their rights. Children also reported worrying that their family does not have enough money to pay bills and buy essential household items.

Homelessness

- 7.61 The Scottish Parliament's Equal Opportunities Committee undertook an extensive evidence review of how to prevent homelessness amongst young people⁶¹. Only a small amount of research and consultation involved children and young people experiences of homelessness was identified.
- 7.62 One such study was by Shelter Scotland (2011)⁶², which surveyed 145 young homeless people (aged 16 to 24) across Scotland about their experiences of running away before they were 16. It found that young people who run away were at particular risk of experiencing homelessness later in life. Many had run away after being forced to leave and had run away multiple times. A large proportion had slept rough and reported issues at home, school and feelings of safety as factors influenced their behaviour.
- 7.63 Young people participating in the SYP Manifesto showed support for greater support to homeless children and young people, with 88% agreeing with the statement, "No child or young person should have to live without a home. More support must be given to those who are homeless [...]"⁶³

Summary

- 7.64 Children and young people, especially those from minority groups, continued to face barriers in accessing and using health services. Moreover, there is a lack of evidence on how, and to what extent, children and young people are experiencing recent policy measures aimed at tackling health inequalities.
- 7.65 Social context was important to children and young people's health. Physical exercise, nutrition and substance misuse were all closely connected to children and young people's geographical and social spaces. Deprivation continued to heavily influence health along with other factors such as social relationships impacting on individual health decisions (such as whether to participate in physical activity or consumption of alcohol). Peer education activities have focused on young people's relationship to alcohol and are a model for involving children and young people in co-designing their own health education.
- 7.66 Evidence gaps relate to children and young people's personal experiences of poverty and homelessness, as well as more comprehensive evaluations of sexual health education.
- 7.67 The evidence showed certain inequalities in access and/or outcomes for certain groups, such as LGBT young people and young parents.

8 EDUCATION, LEISURE AND CULTURE

Introduction

- 8.1 Children and young people were happy at school overall. Both the staff and the physical spaces available for learning influenced these experiences. Support in education, both in and out of school, was important to children and young people, especially for those groups with higher support needs. There was a lack of quality advice, support and training available to young people making the transition out of school, as well as concern about the costs of further and higher education. Play and socialisation was particularly significant to children and young people.

Education including vocational training and guidance

School education

- 8.2 Over half of secondary school pupils found their school days happy¹. Of the 11 to 16 year old pupils responding to the 'Being Young in Scotland 2009' survey, 53% made this response in 2009, compared to 60% in 2007. Agreement was higher amongst 17 to 25 year olds (59%), slightly more than the 57% in 2007. In an East Lothian survey of all Primary 6 and Secondary 2 pupils in 2012/13², pupils reported high satisfaction with such questions as 'they have learned a lot in school' (98% in P6 and 96% in S2), and 'they enjoy being at school' (89% in P6 and 83% in S2).
- 8.3 Disabled children and young people were also positive about school. The Long Term Conditions Alliance, Scotland and Scotland's Disabled Children Liaison Project³ consulted with 91 disabled children and young people. About half said they were very or extremely happy at school, only slightly lower than the European average in the KIDSCREEN data which uses self-report measures to assess health and well-being. However, those who required help in school felt they needed more support to socialise with friends and take part in activities. Almost all of the children and young people with complex additional support needs involved in the focus groups for the Doran review⁴ reported feeling safe and well cared for in their schools.
- 8.4 Looked after children reported positive attitudes towards school. For example, in one local authority, three-quarters of 30 looked after children interviewed⁵ stated that they enjoyed school and attended almost all the time. A higher proportion in foster care reported attending regularly, than those living in residential care.
- 8.5 In consultations over the Curriculum for Excellence⁶, young people were involved in a range of group workshops (over 170 young people) and 29 responded to an on-line questionnaire. The young people supported the four capacities of the Curriculum for Excellence, arguing that learning was improved by cross-curricular connections, motivated teachers and a conducive atmosphere.

- 8.6 Both academic and vocational learning were advocated in the Curriculum for Excellence consultation⁷, by SYP⁸ and by 'Listen and Learn' sessions held in East Lothian Council with over 200 young people⁹. Common themes were the need to improve and extend work experience, making more connections with employers, and better preparation for employment.
- 8.7 Children and young people stated that schools were good places for them to learn about information rights. In reference groups for research for the Information Commissioner UK¹⁰, both primary and secondary school groups advised this.
- 8.8 Children and young people noted the importance of a school's physical environment. For example, the Children's Parliament facilitated workshops with 71 children and young people in primary and secondary schools, and involved 160 in peer research¹¹. Learning environments needed to be comfortable, light, spacious and airy. Open plan spaces, stated children and young people, could be difficult for concentration due to noise. Noise in mainstream classes was also noted by children with complex additional needs in the interviews conducted for the Doran Review¹². Children and young people in eight out of the nine schools, though, liked their building's quality and their learning environments.
- 8.9 Staff were vital to children and young people's experiences of school. For example, children and young people with complex additional support needs involved in the Doran Review¹³ felt school staff listened to them and valued their views. The most helpful staff were those children interacted with daily and who supported them. Mutually respectful relationships were appreciated, by children and young people involved with the Children's Parliament¹⁴. Most children and young people knew someone at school they could go to with a concern¹⁵.
- 8.10 Some groups of children and young people reported stigma or fear of stigma at school: i.e., young carers (**see section 5.3**), who are looked after¹⁶, who were involved with child protection, who are from Gypsy Traveller communities (**see section 3.16**), and/or who are lesbian, gay, bisexual or transgender (**see section 3.14**).
- 8.11 While most looked after children and young people reported support for school, not all did. Of 30 children and young people interviewed in one local authority¹⁷, 18 said at least one person asked them about school on a regular basis. Just over half (16) could identify at least one person who was proud of their achievements. Under half of the children and young people who received homework said they had no one to help them with their homework. One-quarter did not have a quiet space to study where they lived – these children and young people tended to live in residential units. More positive results were found in the viewpoint questionnaire undertaken annually in East Lothian Council. For example, of the 27 respondents in 2012¹⁸, over three-quarters reported a carer helping them with their homework.
- 8.12 Young carers wanted more support in school (**see 5.3**).

Behaviour in school

- 8.13 Young people could be critical of other young people's 'bad' behaviour at school. For example, secondary school pupils in East Lothian criticised what they saw as preferential treatment of those who behaved badly in school. This view was expressed in the workshops held in 3 secondary schools, which included 'hard to reach' young people, school council members and senior pupils as part of their 'Listen and Learn' strategy¹⁹.

School uniforms

- 8.14 Young people wanted a school uniform that was comfortable and affordable. Responding to a SYP online survey in 2012²⁰ that received 151 responses, 72% supported a Public Petition on reforming uniform policy. One-third of young people wanted the policy to be enforced strictly, while 41% thought some personal choice and flexibility should be allowed. Responses varied on whether the uniform policy should be 'gender-specific', with acknowledgement that boys wearing a traditionally female uniform item might well be bullied.
- 8.15 Just over half (55%) of young people reported being consulted on their school uniform policy. About one-quarter (26%) of these young people reported changes being made as a result of such consultation.

Participation in school

- 8.16 Most secondary school pupils felt teachers took account of their views. Over two-thirds (68%) of those responding to the 'Being Young in Scotland 2009' survey felt teachers took account of their views a great deal or a fair amount. Just under one in five (17%) young people prioritised the statement 'help improve the ways our ideas are listened to, and acted on' in 'where we learn', within the voting of SCCYP 'a Right blether'²¹.
- 8.17 Approximately 100 children and young people were involved in case study research, as part of a larger study of pupil participation²². Children and young people valued participation, from interactive learning to contributing to the wider community and formal decision-making. They wanted to contribute to curricular choices, evaluating teaching and school planning. Children and young people could give examples where their participation had resulted in changes (such as the behaviour policy). Participation engendered ownership and pride in their school communities.
- 8.18 Primary schools were reported to have more participative opportunities than secondary schools²³. A difference can also be seen in pupil responses in the East Lothian survey 2012/13²⁴: 88% of P6 pupils agreed that 'they contribute to how decisions are made in schools' while only 68% of S2 pupils agreed.

Pupil (or school) councils

- 8.19 Large-scale quantitative and qualitative research was undertaken on pupil (or school) councils in Scotland, involving a survey of all secondary, special and independent schools and a representative sample of primary schools, and six

case studies²⁵. According to pupil councillors, pupil councils were to represent pupils' views and make their schools better. This contrasted with adult advisers to pupil councils, who focused more on processes than outcomes. Pupil councils discussed, made decisions and had an impact on a number of issues – from play areas to snacks to school uniforms. They were rarely involved in teaching matters. Pupil councillors reported having little training for their roles.

- 8.20 Communication between the pupil council and the wider community was often seen as irregular and ineffective. From the case study surveys of pupils not on councils, two-thirds wanted more information from and about their pupil council. Most of these pupils (59%) thought their pupil council tried to make school a better place but only a third (34%) thought their pupil council actually did.
- 8.21 Pupil councils thought they did not achieve their goals because of: lack of money, lack of time, irregular attendance by pupil councillors or adult advisers, and 'being let down by schools'.

Bullying

- 8.22 Children and young people were aware of school-based initiatives generally to tackle bullying but initiatives were not always successful.
- 8.23 Research undertaken by the Scottish Borders Youth Commission²⁶ found varied practice across schools, in prevention, management and recording of bullying incidents. Young people undertook the research for the Commission, which involved a range of methods and over 500 children and young people. Key recommendations and findings of the Youth Commissioner were:
- To amend current definitions of bullying that require intent and aggression. Labelling people as 'bullies' and 'victims' was unhelpful.
 - To include parents, pupils and school staff²⁷ in a whole school approach.
 - To target prejudice-based bullying specifically and to promote diversity positively.
 - To explore appropriate consequences and responses for children and young people demonstrating bullying behaviour.
 - To develop understanding of cyber bullying. Staff and young people were not confident discussing cyber bullying.
- 8.24 Responding to a respectme survey of children and young people aged 8 to 19 across 29 Scottish local authorities²⁸, 16% reported being cyberbullied. Most (63%) knew who had done this and in 40% of these occasions the bullying carried on into school. A quarter of respondents were worried about cyberbullying when they were online.
- 8.25 For most of the 35 participants (aged 11 to 18 years) speaking to Young Scot on child Internet safety²⁹, the term 'cyberbullying' was familiar. Some had experienced it and most felt they knew how to report concerns online.

- 8.26 In contrast to generalised bullying initiatives in schools, initiatives to address homophobia, biphobia and transphobia were not well known to young people. When responding to a questionnaire for LGBT young people³⁰, less than one third (31%) were aware that antiphobia education had been introduced in schools. Just under half of the young people said they would not feel confident reporting such bullying.
- 8.27 Certain groups of children and young people were particularly concerned about being bullied. Over two-thirds (69%) of LGBT young people responding to a survey³¹ had experienced homophobic or biphobic bullying at school. The results for transphobic bullying were even higher. This negatively impacted on their education and employment experiences.
- 8.28 Looked after children reported bullying. Of the 30 young people interviewed in one local authority, just under half said they had been bullied³².

Post-School: Information and guidance, further and higher education, vocational training and work experience

- 8.29 From the 'Being Young in Scotland 2009' survey³³, three-quarters (74%) of 11 to 16 year olds and two-thirds (65%) of 17 to 25 year olds thought their job prospects were good in 2009. This is higher than comparable figures for 2005 and 2007.
- 8.30 Young people wanted more information and preparation about post-school options and more quality and substantial work experience³⁴. For example, employment was the most prevalent concern in the workshops held in East Lothian council, with nearly 200 secondary school pupils³⁵. Of the 74,059 children and young people voting in SCCYP's consultation 'a RIGHT blether'³⁶, 40% voted for the statement 'help to create more experiences for us to learn skills for jobs'.
- 8.31 The SYP highlighted issues in its Manifesto, and subsequent sittings³⁷. Careers services were described as patchy and inconsistent. Information from Skills Development Scotland should be promoted, as it was positively received by those who had accessed it. More than education should be valued: for example, apprenticeships and training should be promoted. The Scottish Government's 'Opportunities for All' guarantee of a place in education and training, for all 16-19 year olds, was welcomed.
- 8.32 Young people expressed concerns about tuition fees and associated costs of attending further education and/or university. For example, this was a frequent concern raised by young people within, and consulted by, the SYP³⁸.
- 8.33 Employers should be more involved in supporting young people. For example, 143 young people responded to a SYP survey online, followed by a Scottish Government consultation event³⁹. Young people suggested that employers should ask whether a job actually needs a degree. Businesses should sponsor more students in education.

- 8.34 LGBT young people faced particular challenges. From the results of a survey of LGBT young people⁴⁰, poor experiences of school led to lowered confidence, poor attendance and/or leaving early. Those young people aged 16 and above were worried about workplace discrimination. Under one in five (19%) of LGBT young people not in education were unemployed; 43% of transgender young people not in education were unemployed
- 8.35 Research which looked at abuse and violence in the workplace included a small number of 16 to 18 year olds within its survey of young workers⁴¹. The majority of participants in the study were young women. The study found that young people experienced verbal abuse routinely and that these incidents were generally under-reported. Young people had low expectations about working conditions.

Rest, leisure, recreation and cultural and artistic activities

Play, leisure and recreation

- 8.36 A consultation was undertaken by the Children's Parliament for the International Play Association with 379 children aged between 2 and 13 across 14 local authorities⁴². Children played indoors and outdoors and wanted to play with their friends as well as play by themselves. They liked toys but did not think that they were always necessary in order to play. Having the opportunity to be imaginative and being outdoors supported their play, while older children wanted to be able to meet their friends and socialise. Play outdoors could be affected by such factors as feeling safe, litter and cars. Not being able to play impacted on children's well-being and made them sad.
- 8.37 The 'Being Young in Scotland 2009' survey⁴³ found that young people engaged in a wide range of social activities. For those aged 11 to 16 years, using the internet (81%) and watching TV (77%) were frequent activities, with going to see friends (71%) and using social networks (63%) and playing computer games (57%) also popular. The proportion of those who attended youth clubs has dropped from previous 2007 survey figures, down from 34% to 23% with participation in uniformed clubs slightly increasing to 11% from 9%. The majority of young people took part in sporting and other activities.
- 8.38 For Scotland's Disabled Children (fSDC) undertook consultative activities with disabled children and their families using a range of methodologies⁴⁴. Young people enjoyed having friends and a range of activities from swimming to socialising, but many reported feeling isolated and found difficulties in supporting such activities. These included the lack of accessible public transport (both physical and attitudinal), unmet needs for personal support, and not feeling safe in their local area. Not having enough money to be with their friends was also a significant issue.
- 8.39 Most young people wanted funding for youth projects and groups to be a priority for local authorities. In their survey for the SYP's Manifesto⁴⁵, 73% of respondents agreed with the statement.

- 8.40 Earlier sections highlight the importance of leisure and recreation to young people. Young carers, those affected by parental substance misuse and looked after children all highlighted the importance of spending time with friends.
- 8.41 Other major initiatives such as CashBack for Communities⁴⁶ (which uses the proceeds of crime to fund diversionary activities for young people) and No Knives, Better Lives⁴⁷ (a national initiative which works with local organisations to provide information and support to young people on the effects of knife crime) are funding a wide range of sporting, cultural, educational and mentoring activities for children and young people across Scotland. These projects are, however, in their formation years and as yet no comprehensive external research or evaluation has been published on their outcomes.

Culture

- 8.42 The Big Noise Orchestra in Raploch, Stirling, established by Sistema Scotland, was evaluated⁴⁸ to explore the outcomes for children and their families. Children and young people enjoyed taking part in Big Noise and found the sessions fun and engaging and acknowledged the benefits for their families in sharing their activities.

Summary

- 8.43 Overall, positive experiences of school were reported, although these often depended on the attitudes of and relationships with staff members. Those with the highest level of needs were also those that reported the greatest need for better quality support. Participative opportunities suffered from a lack of consistency. When they were available they were experienced positively, with children and young people having enhanced ownership and pride in their school and learning.
- 8.44 Further research into how young people, particularly those transitioning from school into employment or further education, are coping with the current economic situation would be beneficial. Children and young people highlighted youth work projects and groups as being a priority, yet little is known about the impact of the recession on service availability and delivery.

9 SPECIAL PROTECTION MEASURES

Introduction

- 9.1 Children and young people facing special protection measures valued support that was delivered by trusted adults with whom they could develop positive relationships. In terms of youth justice interventions, support for punitive measures was generally low, while holistic approaches that took account of individual, social and economic factors influencing antisocial behaviour and offending were valued. Experiences of detention were varied, being significantly influenced by the location of the placement. The evidence highlights the importance of delivering interventions that are child-focused. Positive future outcomes depended heavily on quality education, support and care.

Children in situations of emergency

- 9.2 The Scottish Guardianship Service is run by the Scottish Refugee Council and Aberlour Child Care Trust and supports young people who are asylum seekers. The first evaluation¹ of its pilot found that young people had a very positive experience of being supported by Guardians within the service and that these adults were trusted with relationships valued by young people. The reliability of Guardians was highly praised, helping young people with their asylum claims as well as with access to health, education and welfare services. Wider fun and creative activities were particularly appreciated by young people. Young people were concerned about their future lives and wanted to be able to talk about these concerns.

Children in conflict with law

- 9.3 Support for punitive, enforcement led approaches amongst children and young people was low. Correspondingly, the most effective youth justice interventions were considered to be those that take account of the individual, social and economic contexts in which antisocial behaviour and crime take place. The most valued interventions were those that allowed respectful interactions with youth justice professionals to be developed.
- 9.4 While there is a growing body of work on the Children's Hearing system process, children and young people's views and experiences of treatments and interventions remain largely under-researched. For information on Home Supervision Requirements, see **section 6.21**.

Youth justice

- 9.5 There have been strategic developments in youth justice since 2008, which seek to maximise diversion from the criminal justice system. The Edinburgh Study of Youth Transitions and Crime² has been influential in promoting this policy approach. This longitudinal programme of research on pathways into and out of offending involved a cohort of around 4,300 young people and collected data prior to 2008.

- 9.6 Research emphasised the need for approaches to youth justice to recognise the complex interaction of individual, social and economic factors influencing young people's involvement in crime and antisocial behaviour. Research into youth 'gangs' and knife carrying, for example, highlighted the important role that gang membership had for young people in terms of belonging, status and identity³. Of the 95 young people interviewed, most were aware of the physical and social harm caused by knife carrying suggesting that educational programmes alone will be ineffectual. Fifty seven per cent of young people in the consultation for the SYP Manifesto supported the statement "the solutions for solving the problem of knife crime lie in working with young people to tackle the roots causes, not by imposing a mandatory jail sentence"⁴.
- 9.7 Newman (2011)⁵ conducted a local study into young people at risk of offending, with the aim of better understanding the factors influencing their behaviour. A total of 14 young people from Highland gave their stories, revealing a complex range of challenges, including substance abuse, chaotic family life, the normalisation of fighting, poor mental and physical health and marginalisation from education and leisure. A key theme related to the lack of planning in support provision and the lack of involvement young people had in decisions affecting them. Professionals did not listen to young people's needs, which added to, rather than alleviated, their problems.
- 9.8 Young people expressed low levels of support for enforcement-led interventions. Drawing on interviews with 20 young people from five local authority areas,⁶ found that young people did not regard punitive tools such as Anti Social Behaviour Orders (ASBO) as an effective deterrent. Police were criticised for being overly reactive. Media reporting helped perpetuate negative public perceptions of young people. In workshops by the Children's Parliament⁷, children stated that Ministers need to "make sure that children in Scotland are treated well and stop people stereotyping all children and young people as trouble".
- 9.9 These findings are supported by more recent research. Focus groups in research by McMillan and Robertson (2011)⁸ found that young people were critical of dispersal orders and felt significantly curtailed and disempowered by the powers. In the consultation for the SYP Manifesto⁹, 67% young people supported the statement, "The 'Mosquito' ... should be banned". Deuchar (2010)¹⁰, meanwhile, reported the experiences of 20 young men aged 14 to 19 in Glasgow. They felt they were subjected to intense and unnecessary surveillance by the police and other agencies resulting in feeling oppressed and marginalised within their local communities.
- 9.10 Children and young people valued interventions that involved friendly and respectful interactions with youth justice professionals. The Lothian Police Service, for example, asked children aged 8 to 14 their views on the police. Working with the Children's Parliament¹¹, 140 children completed a visual questionnaire and 24 took part in a consultation day. While both positive and negative views of the police were expressed, a common theme was a desire to have more opportunity to talk and interact with police in non-punitive ways.

- 9.11 Research on community wardens in Dundee utilised ethnography and interviews with 25 young people aged between 13 and 18¹². The wardens successfully created opportunities for positive and meaningful encounters with both places and people. Young people were also broadly positive about the introduction of campus police officers in schools¹³. Using a case study approach to collect pupil experiences, the review found that pupils enjoyed contact with the campus officers and felt it made the school environment safer. However, while relations with campus officers were positive, the approach did not shift negative attitudes to police in the wider area.

The Children's Hearing System

- 9.12 Research on Children's Hearings has focused largely on how the system works and children and young people's participation herein (see section 3.24-3.31 for details). There was little evidence on how the Hearing System affects long term offending outcomes, from children and young people's perspectives, nor on children and young people's experiences of the treatment or interventions resulting from a hearing.
- 9.13 Doctoral research on secure accommodation¹⁴ found that mechanisms for allowing young people to participate in decision making could be significantly strengthened. Ongoing problems with securing and maintaining suitable educational placements for looked after young people were reported and that those referred to secure seem to have high rates of educational difficulty and exclusion. The study concludes that professionals must be willing to listen to how young people feel and what they need.
- 9.14 A body of work is available on community-based youth justice interventions – intensive support and monitoring service (ISMS), restorative justice, acceptable behaviour contracts, youth courts. However, this all falls into the period before 2008.

Children and young people in detention

- 9.15 Experiences of detention were found to be heavily dependent on which unit young people were placed in, with overcrowding and lack of educational opportunities, support and through care being reported in certain locations. Separation from adult prisoners was found to significantly influence how young people experienced detention.
- 9.16 An inspection in 2009¹⁵ looked specifically at three units: Friarton Hall (part of Perth prison although physically detached from it), Darroch Hall (in Greenock prison) and the all-female Bruce House (in Cornton Vale). The inspection involved discussions, focus groups and interviews with young people; however, it was difficult to identify their direct views within reports. Almost all of the comments of the young offenders in Greenock and Perth were positive, while almost all from Cornton Vale were negative. At Cornton Vale, young offenders lived most of their daily lives with adults. The facility was described as overcrowded and leisure, educational and dining facilities were extremely poor. Young prisoners in Greenock and Perth, meanwhile, reported feeling safe, first-class relationships with staff, excellent food and plentiful

opportunities for work and education. Not only did these smaller units create a sense of community and belonging but the staff were specifically trained in working with young people. Most male young offenders are held in Polmont Young Offenders Institute, which was most recently inspected in 2012¹⁶. While the facility was found to be functioning adequately, more needed to be done to engage young people positively in education, support and through care.

- 9.17 Action for Children and Barnardo's Scotland conducted two focus groups with 11 young people aged 16-22 currently imprisoned within HMYOI Polmont¹⁷. The study sought to examine the issues facing young offenders when leaving prison. Young people faced many barriers, such as managing substance misuse, peer pressure (both to conform and return to offending), difficulty finding employment and more generally adjusting to life back in their own communities. Knowledge support and levels of support accessed varied significantly. Young people supported the concept of mentoring, emphasising that a successful mentor must have certain qualities: non-judgemental, understanding and trustworthy.
- 9.18 In the consultation for the SYP Manifesto, 65% supported compulsory education and training opportunities and the twinning of young offenders' institutions with further education colleges as a means of improving reintegration and reducing re-offending¹⁸.
- 9.19 From the limited data available, it would appear that community based interventions were positively experienced by young people. One such project is 'Time for Change'¹⁹. Piloted during 2010/11, it offered a community based alternative to secure accommodation and/or custody for young women aged between 14 and 18 years, deemed to be vulnerable and at high risk of further involvement with offending and related behaviour. Fourteen young women were interviewed as part of the evaluation. They all reported a positive worker-service user relationship. Young women valued the service far above statutory measures (such as the Children's Hearing System and social work), emphasising workers' excellent knowledge, flexibility, accessibility and positive support.

Summary

- 9.20 There is little evidence on children and young people's views and experiences of special protection measures. Since 2008 major innovations in policy direction have been undertaken, particularly in the realm of youth justice. There is however, little evidence as to how this is being experienced by children and young people.
- 9.21 Young people's experiences of detention are reported through inspection reports. While improvements were clearly filtering into some units, many young people in detention continued to have a poor experience and little support in terms of transitioning back into their communities. Inspection Reports did not specifically draw out young people's views and experiences. Gender appeared to be an issue in terms of how detention was experienced and this would benefit from closer attention.

- 9.22 Children and young people's views and experiences of diversionary and pro-social projects (specifically those funded through CashBack for Communities) and community-based youth justice interventions (ISMS, restorative justice) would benefit from additional research.
- 9.23 Research on the Children's Hearing System focused specifically on the Hearing process. Rather less is understood about how the measures and requirements set by a Hearing are experienced and followed through and whether they have any lasting impact on outcomes and wellbeing.
- 9.24 Other specific gaps in evidence relate to: youth courts; legal aid and advice and assistance; child witnesses; the age of criminal responsibility; remand and under 18s; criminal proceedings and sentencing.

10 CONCLUSIONS

Overall conclusions

- 10.1 The review explored evidence on the views and experiences of children and young people in Scotland between January 2008 and April 2013. Overall, the review identified a wealth of evidence undertaken by a wide range of organisations covering extensive areas of children and young people's lives, demonstrating a significant commitment to engaging with children and young people. A number of gaps of evidence were identified that would benefit from further exploration.

General measures of implementation

- 10.2 The review found low levels of awareness and knowledge of both human rights institutions and the UNCRC. Large-scale initiatives have sought to improve levels of awareness. While the full impact of these is yet to be understood, they demonstrate the importance of rights-based practices. Measures to make the UNCRC more widely known have focused on the educational sector and rather less on how well the UNCRC is embedded into the working practices of other children's services. Although 'child friendly' reporting is taking place, it is unknown how these reports are received. Overall, children and young people had little direct involvement in the implementation and monitoring of the UNCRC.

General principles

- 10.3 Issues of equality, discrimination, access and participation affected all aspects of children and young people's lives. There was a lack of substantial and detailed information on: the experiences of black and minority ethnic children and young people and the impact of racial discrimination; gender discrimination; up-to-date experiences of age discrimination and whether attitudes had changed since 2008. The survey of LGBT young people provides evidence of discrimination and transgender young people disproportionately reported discrimination.
- 10.4 There was a significant body of work on the Children's Hearing System with clear messages on how the process could be improved. There was less evidence that explored children and young people's views and experiences post- Hearing.
- 10.5 Children and young people frequently stated that they did not have enough opportunities to express their views and influence decisions affecting their lives. Positive experiences of participation were heavily dependent upon the attitudes that professionals had towards children and young people, and the quality of relationships that were established. Trust, rapport, honesty and respect were all seen to be essential in influencing children and young people experiences.

Civil rights and freedoms

- 10.6 The review found limited evidence on civil rights and freedoms. The right to online privacy is an emerging issue and would benefit from further research. While children and young people were familiar with messages about online safety and privacy, they may have less information and knowledge about confidentiality and rights to information more generally. There was limited evidence on children and young people's views relating to physical punishment. Children and young people's right to assembly was affected by the fear of violence and by mechanisms which seek to disperse them.

Family environment and alternative care

- 10.7 The family and caring environment had a critical role for children and young people, both as a form of inclusion and as a means of ensuring positive outcomes and well-being.
- 10.8 Looked after children continued to face a number of everyday challenges including being listened to and their views taken into account, stigma, a weak sense of belonging and identity, and a lack of quality support. At the same time they also largely reported positive experiences of care.
- 10.9 For all children and young people, positive experiences of home and family were closely bound with the ability to input directly into decisions about their care. Particular value was given to support and mentoring that was inclusive and respectful of their rights. Parents were of central importance to children and young people. Where this relationship broke down (in the case of domestic abuse or parental substance abuse), it became more important to provide quality care and support that understood their experiences, but did not treat them differently.
- 10.10 There are a number of clear gaps in understanding children and young people's own views and experiences, particularly in relation to child trafficking, child sexual exploitation and household substance misuse. Further knowledge on the role of the parent in children and young people's lives would help understand the parenting role and to consider how alternative forms of care could be improved.

Basic health and welfare

- 10.11 Children and young people, especially those from minority groups, continued to face barriers in accessing and using health services. Moreover, there was a lack of evidence on how, and to what extent, children and young people were experiencing recent policy measures aimed at tackling health inequalities.
- 10.12 Social context was important to children and young people's health. Physical exercise, nutrition and substance misuse were all closely connected to children and young people's geographical and social spaces. Deprivation continued to heavily influence health along with other factors such as social relationships impacting on individual health decisions (such as whether to participate in physical activity or consumption of alcohol). Peer education

activities have focused on young people's relationship to alcohol and are a model for involving children and young people in co-designing their own health education.

- 10.13 Evidence gaps relate to children and young people's personal experiences of poverty and homelessness, as well as more comprehensive evaluations of sexual health education.
- 10.14 The evidence shows certain inequalities in access and/or outcomes for certain groups, such as LGBT young people and young parents.

Education, leisure and culture

- 10.15 Overall, positive experiences of school were reported, although these often depended on the attitudes of and relationships with staff members. Those with the highest level of needs were also those that reported the greatest need for better quality support. Participative opportunities suffered from a lack of consistency. When they were available they were experienced positively, with children and young people having enhanced ownership and pride in their school and learning.
- 10.16 Further research into how young people, particularly those transitioning from school into employment or further education, are coping with the current economic situation would be beneficial. Children and young people highlighted youth work projects and groups as being a priority, yet little was known about the impact of the recession on service availability and delivery.

Special protection measures

- 10.17 There was little evidence on children and young people's views and experiences of special protection measures. Since 2008 major innovations in policy direction have been undertaken, particularly in the realm of youth justice. There is, however, little evidence as to how these are being experienced by children and young people.
- 10.18 Young people's experiences of detention were reported through inspection reports. While improvements were clearly filtering into some units, many young people in detention continued to have a poor experience and little support in terms of transitioning back into their communities. Inspection reports did not specifically draw out young people's views and experiences. Gender appeared to be an issue in terms of how detention was experienced and this would benefit from closer attention.
- 10.19 Children and young people's views and experiences of diversionary and pro-social projects (specifically those funded through CashBack for Communities) and community-based youth justice interventions (ISMS, restorative justice) would benefit from additional research.
- 10.20 Research on the Children's Hearing System focused specifically on the Hearing process. Rather less was understood about how the measures and

requirements set by a Hearing were experienced and followed through and whether they have any lasting impact on outcomes and wellbeing.

- 10.21 Other specific gaps in evidence relate to: youth courts; legal aid and advice and assistance; child witnesses; the age of criminal responsibility; remand and under 18s; criminal proceedings and sentencing.

Gaps in evidence

- 10.22 The review team identified that there were gaps where there was less evidence or where additional evidence would provide helpful information relating to each of the UNCRC clusters. These are summarised below.
- 10.23 In the UNCRC general principles cluster, there was a lack of substantial and detailed information on: the experiences of black and minority ethnic children and young people and the impact of racial discrimination (see section 4.13); gender discrimination (see section 4.10); up-to-date experiences of age discrimination and whether attitudes have changed since 2008 (see section 4.5).
- 10.24 In civil rights and freedoms (see section 5.14), the review produced limited evidence. This would benefit from further exploration. Online privacy is an emerging issue and may benefit from further research. There was limited evidence on children and young people's views relating to physical punishment.
- 10.25 In family environment and alternative care, a number of gaps existed in relation to child trafficking (see section 6.32) and household substance misuse (see section 6.33). Further knowledge on the role of parents in children and young people's lives would aid understanding of the parenting role and how alternative forms of care can be improved (see section 6.37).
- 10.26 In basic health and welfare (see section 7), there was a lack of evidence on how children and young people are experiencing recent policy measures aimed at tackling health inequalities. Evidence gaps also existed around children and young people's personal experiences of poverty and homelessness (see section 7.58-7.63), as well as more comprehensive evaluations of sexual health education (see section 7.48).
- 10.27 In education, leisure and culture, further research into how young people, particularly those transitioning from school into employment or further education, are coping with the current economic situation would be beneficial. In addition there was little known about young people's experience of youth work provision (see section 8.43).
- 10.28 In special protection measures (see section 9), there was generally little evidence on children and young people's experiences of special protection measures, particularly in youth justice. This included specific areas including: detention, children and young people's experiences of diversionary and pro-social projects; the follow up to the Hearing process; youth courts; legal aid

and advice and assistance; child witnesses; the age of criminal responsibility; remand and under 18s; criminal proceedings and sentencing.

- 10.29 Evidence was limited for several specific groups of children and young people. Across all clusters, there was less evidence that drew on the views and experience of younger children. This included children under the age of 5 years as well as those up to the age of 9 years. In areas such as alternative care, there was less evidence on the views of younger children, for example, those under 9 years of age.
- 10.30 A number of pieces of evidence did highlight the views and experiences of black and minority ethnic children and young people. Overall, however, these children and young people were underrepresented in the evidence in all the UNCRC cluster areas. Research was limited on children and young people's experiences of migration to Scotland.
- 10.31 The importance of transitions between services and institutions such as school, care and prison was shown by the evidence, highlighting the interconnections between UNCRC reporting clusters. Further exploration on the views and experiences of children and young people on transitions would provide further insights
- 10.32 There was a substantial body of evidence on participation especially around Children's Hearings, looked after children and schools. There was, however, less evidence in other areas such as children and young people's views on family court proceedings or early years. More evidence in these areas would provide further insights.
- 10.33 The evidence has shown that children and young people's experiences depend on the quality of the relationship they have with professionals. This is an area that would benefit from in-depth exploration.

Recommendations for moving forward

- 10.34 The following recommendations consider ways in which the findings from the review can be taken forward. In addition to identifying gaps in evidence, several overarching issues emerged from the process of gathering the views and experiences of children and young people in Scotland.

Exploring gaps in evidence

- 10.35 The Scottish Government should consider areas for further participatory work with children and young people from the gaps in evidence across the UNCRC clusters.
- 10.36 Organisations and services working with children and young people should also consider if there are gaps which could be explored through their research, consultation and participatory activities
- 10.37 The low level of knowledge and understanding of the UNCRC among children and young people suggests that national promotion of publications and activities related to the UNCRC could be delivered more effectively. This

could, in turn, have wider benefits including increased participation by children and young people in contributing their views.

Developing the evidence base

- 10.38 Large-scale quantitative surveys like 'Being Young in Scotland 2009' were valuable sources for this review. Continued investment in such surveys should be considered as one approach to gathering children and young people's views. For example, the longitudinal social survey 'Growing up in Scotland' is now engaging children directly and could be maximised as a source of robust quantitative information.
- 10.39 There is likely to be small-scale research undertaken in further and higher education on the cluster areas. Academic contacts were used for the search for evidence but it seems likely that not all evidence was accessed. Strategically gathering research findings on a regular basis would contribute to the body of evidence.
- 10.40 Research, consultation and participatory activities currently being undertaken by local authorities are under-represented in this review. There may be evidence that was not submitted due to time constraints or information requests not reaching the relevant practitioner. There is therefore an opportunity for local authorities and individual practitioners to contribute their knowledge and have this work recognised and shared more widely.

Gathering evidence

- 10.41 The review found that some activities that involve children and young people were not always being systematically documented, recorded or reported so that they could be easily shared or disseminated. In some instances, this meant that evidence could not be included. This suggests that organisations could develop their approaches to documenting the views of children and young people so that the findings are accessible to a wider audience.
- 10.42 In some of the evidence, there was little detail about: the context for the research, consultation or participatory activities; information on the sample; or detailed analysis of data. Across much of the evidence there was little discussion of ethics (how children and young people are involved in respectful ways, how their consent was sought and how they are protected from harm). Including more methodological and ethical information within reports would help others to better understand and analyse the findings from engaging with children and young people. In addition, organisations would gain further recognition for their work.
- 10.43 Generally, improvements could be made in the collection and presentation of evidence in the future so that it can better inform national and local policy and practice. Developing a stronger regularly reported evidence base would contribute to the Scottish Government's delivery of national outcomes and the implementation of the UNCRC.

10.44 The review found that there were different understandings of rights based approaches to services. In its ongoing work, the Scottish Government should consider how to work with both national and local organisations to demystify the rights based approach. Organisations should be supported to explore how children's rights span their entire service and are embedded in all aspects of children and young people's lives.

Conclusion

10.45 The review provides a rich snapshot of children and young people's views gathered by organisations between 2008 and 2013. As a resource, the review assists understanding of how policy impacts on the realisation of children's rights, from the viewpoints of children and young people themselves. At the same time, the review can provide a baseline for future research, consultation and participation activities.

11 REFERENCES

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12 APPENDIX A UNCRC CLUSTERS AND ASSOCIATED RIGHTS

The reporting clusters have been determined by the UN Committee on the Rights of the Child. This report does not use one cluster – the definition of the child.

The UNCRC rights associated are listed here, largely using unofficial headings used by UNICEF. The headings capture some of the articles' contents. The full text of the UNCRC is available at

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

General measures of implementation

- Article 4 (protection of rights)
- Article 42 (knowledge of rights)
- Article 44, para 6 (implementation measures)

General principles

- Article 2 (non-discrimination)
- Article 3 (best interests of the child)
- Article 6 (the right to life, survival and development)
- Article 12 (respect for the views of the child)

Civil rights and freedoms

- Article 7 (registration, name, nationality and care)
- Article 8 (preservation of identity)
- Article 13 (freedom of expression)
- Article 14 (freedom of thought, conscience and religion)
- Article 15 (freedom of association)
- Article 16 (right to privacy)
- Article 17 (access to information; mass media)
- Article 28 (right to education)
- Articles 28 para 2 and 37 (a) (the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment)
- Article 39 (rehabilitation of child victims)

Family environment and alternative care

- Article 5 (parental guidance)
- Article 9 (separation from parents)
- Article 10 (family reunification)
- Article 11 (illicit transfer and non-return)
- Article 18 paras 1 and 2 (parental responsibility; state assistance)
- Article 19 (protection from all forms of violence)
- Article 20 (children deprived of family environment)
- Article 21 (adoption)
- Article 25 (review of treatment in care)
- Article 27 para 4 (recovery of maintenance for the child)
- Article 39 (rehabilitation of child victims)

Basic health and welfare

- Article 6 (the right to life, survival and development)

- Articles 18 para 3 and 26 (social security and childcare services and facilities)
- Article 23 (children with disabilities)
- Article 24 (health and health services)
- Article 27 paras 1 to 3 (standard of living)
- Article 33 (measures to protect children from substance abuse)

Education, leisure and culture

- Article 28 (right to education)
- Article 29 (goals of education)
- Article 30 (cultural rights of children belonging to indigenous and minority groups)
- Article 31 (leisure, play and culture)

Special protection measures

- Article 22 (refugee children)
- Article 30 (cultural rights of children belonging to indigenous and minority groups)
- Article 32 (child labour)
- Article 33 (measures to protect children from substance abuse)
- Article 34 (sexual exploitation)
- Article 35 (abduction, sale and trafficking)
- Article 36 (other forms of exploitation)
- Article 37 (b-d) (children deprived of their liberty)
- Article 38 (war and armed conflicts)
- Article 39 (rehabilitation of child victims)
- Article 40 (juvenile justice)

There are two optional protocols to the UNCRC

Optional Protocol on the involvement of children in armed conflict
Optional Protocol on the sale of children, child prostitution and child pornography

In 2011, the UN General Assembly approved a third optional protocol on a Communications Procedure, allowing individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols. The Protocol opens for signature in 2012 and will enter into force upon ratification by 10 UN Member States.

UN Committee on the Rights of the Child (2010) Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child, <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.58.Rev.2.doc>

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